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L A W S

OF THE

STATE OF NEW YORK

PASSED AT THE

ONE HUNDRED AND FIRST SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FIRST AND ENDED MAY FIFTEENTH, 1878.
IN THE CITY OF ALBANY.

ALBANY:
A. BLEECKER BANKS, PUBLISHER.
1878.

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CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *June 29, 1878.* }

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1843, I hereby certify that the following volume of the Laws of this State was printed under my direction.

ALLEN C. BEACH,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, "three-fifths of all the members elected to either House," thereof, being present, pursuant to Section 21 of Article 3 of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 253.]

And every act which received "the assent of two-thirds of all the members elected to each branch of the Legislature," pursuant to Section 9 of Article 1 of the State Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]

LIST OF OFFICERS, 1878.

"§4. There shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses, in office at the time of the passage of the Laws contained in such volumes."— *Laws of 1847, Chap. 458, Sec. 4.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	Office.	County.	Residence, nearest P.O.
Lucius Robinson.....	Governor.....	Albany.....	Albany.
William Dorsheimer.....	Lieut.-Governor..	Erie.....	Buffalo.
James M. Oakley.....	Senator.....	Queens.....	Jamaica.
James F. Pierce.....	do	Kings.....	Brooklyn.
John O. Jacobs.....	do	Kings.....	Brooklyn.
Edward Hogan.....	do	New York.....	New York city.
Alfred Wagstaff, Jr.....	do	New York.....	New York city.
Lewis S. Goebel	do	New York.....	New York city.
* John Morrissey	do	New York.....	New York city.
Thomas O. E. Ecclesine.....	do	New York.....	New York city
William H. Robertson.....	do	Westchester.....	Katonah.
Daniel B. St. John.....	do	Orange	Newburgh.
Stephen H. Wendover.....	do	Columbia.....	Stuyvesant.
Charles Hughes.....	do	Washington	Sandy Hill.
Hamilton Harris.....	do	Albany.....	Albany.
Addison P. Jones.....	do	Greene.....	Catskill.
Webster Wagner	do	Montgomery	Palatine Bridge.
William W. Rockwell... ..	do	Warren.....	Glens Falls.
Dolphus S. Lynde	do	St. Lawrence.....	Hermon.
Henry E. Turner	do	Lewis	Lowville.
Alexander T. Goodwin.....	do	Oneida.....	Utica.
Samuel S. Edick.....	do	Otsego.....	Cooperstown.
John W. Lippitt.....	do	Madison	Solsville.
Dennis McCarthy.....	do	Onondaga.....	Syracuse.
N. Curtis Marvin	do	Delaware	Walton.
Peter W. Hopkins.....	do	Broome.....	Binghamton.
Theodore M. Pomeroy	do	Cayuga.....	Auburn.
Edwin Hicks.....	do	Ontario	Canandaigua.
Ira Davenport.....	do	Steuben	Bath.
George Raines.....	do	Monroe.....	Rochester.
Lewis S. Payne.....	do	Niagara.....	Tonawanda.
James H. Loomis.....	do	Wyoming	Attica.
Ray V. Pierce.....	do	Erie.....	Buffalo.
Loren B. Sessions.....	do	Chautauqua	Panama.
Hiram Griggs.....	Assemblyman	Albany.....	Knowersville.
John N. Foster.....	do	Albany.....	Albany.
James T. Story.....	do	Albany.....	Albany.
Edward Curran.....	do	Albany.....	West Troy.

* Died May 1, 1878.

LIST OF OFFICERS.

NAME.	Office.	County.	Residence, nearest P. O.
Hiram H. Wakely	Assemblyman ...	Allegany....	Black Creek.
Alexander E. Andrews.	do ...	Broome.....	Binghamton.
Thomas J. King.....	do ...	Cattaraugus .	Machias.
Simeon V. Pool.....	do ...	Cattaraugus .	Otto.
Howell B. Converse...	do ...	Cayuga	Port Byron.
William Leslie Noyes..	do ...	Cayuga	Owasco.
Sherman Williams.....	do ...	Chautauqua .	Mayville.
Temple A. Parker.....	do ...	Chautauqua .	Frewsburgh.
George M. Beard.....	do ...	Chemung ...	Millport.
B. Gage Berry.....	do ...	Chenango ...	Norwich.
William P. Mooers....	do ...	Clinton	Plattsburgh.
Jacob H. Proper.....	do ...	Columbia....	Livingston.
Samuel Wilbor.....	do ...	Columbia. ..	Chatham.
Orris U. Kellogg..	do ...	Cortland	Cortland.
Albert H. Sewell.....	do ...	Delaware....	Sidney Centre.
Robert P. Cormack....	do ...	Delaware....	Delhi.
Obed Wheeler.....	do ...	Dutchess....	South Dover.
Peter Hulme.....	do ...	Dutchess....	Poughkeepsie.
John L. Crowley.....	do ...	Erie	Buffalo.
John G. Langner.....	do ...	Erie	Buffalo.
David F. Day.....	do ...	Erie	Buffalo.
Harvey J. Hurd.....	do ...	Erie	Elma.
Henry F. Allen.....	do ...	Erie	Gowanda.
Benjamin D. Clapp....	do ...	Essex.....	Keeseville.
John I. Gilbert.....	do ...	Franklin	Malone.
John W. Peek.....	do ...	Fult. & Ham'n	Gloversville.
Eli Taylor.....	do ...	Genesee.....	East Elba.
Cicero C. Peck.....	do ...	Greene.....	Windham.
Titus Sheard.....	do ...	Herkimer ...	Little Falls.
Charles R. Skinner....	do ...	Jefferson....	Watertown.
William M. Thomson..	do ...	Jefferson....	Alexandria Bay.
John M. Clancy.....	do ...	Kings	Brooklyn.
John B. Meyenborg...	do ...	Kings	Brooklyn.
John Shanley.....	do ...	Kings	Brooklyn.
Charles J. Henry.....	do ...	Kings	Brooklyn.
William H. Waring....	do ...	Kings	Brooklyn.
Jacob Worth.....	do ...	Kings	Brooklyn, E. D.
Maurice B. Flynn.....	do ...	Kings	Brooklyn.
John H. Douglass.....	do ...	Kings	Greenpoint.
John H. Bergen.....	do ...	Kings	Brooklyn.
Cyrus L. Sheldon.....	do ...	Lewis	Lowville.
James W. Wadsworth.	do ...	Livingston ..	Geneseo.
Lambert B. Kern.....	do ...	Madison	De Ruyter.
Willard A. Crandall....	do ...	Madison	Cazenovia.
Albert C. Hobbie.....	do ...	Monroe	Rochester.
Elias Mapes.....	do ...	Monroe.....	Rochester.
James Chappell.....	do ...	Monroe	Gates.
Edward Wemple.....	do ...	Montgomery.	Fultonville.
John F. Berrigan.....	do ...	New York ..	New York city.
Thomas F. Grady.....	do ...	New York ..	New York city.
James Hayes.....	do ...	New York ..	New York city.
John Galvin.....	do ...	New York ..	New York city.
Peter A. Crawford....	do ...	New York ..	New York city.
Jacob Seebacher.....	do ...	New York ..	New York city.
Isaac I. Hayes.....	do ...	New York ..	New York city.
Daniel Patterson.....	do ...	New York ..	New York city.
John W. Browning	do ...	New York ..	New York city.
Joseph P. Strack.....	do ...	New York ..	New York city.
William W. Astor.....	do ...	New York ..	New York city.

LIST OF OFFICERS.

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NAMES.	Office.	County.	Residence, nearest P. O.
Maurice F. Holahan...	Assemblyman ...	New York ..	New York city.
*John Clark.....	do ...	New York ..	New York city.
James Daly.....	do ...	New York ..	New York city.
Christopher Bathe	do ...	New York ..	New York city.
James Fitzgerald.....	do ...	New York ..	New York city.
James T. Taylor.....	do ...	New York ..	New York city.
Joseph P. McDonough.	do ...	New York ..	New York city.
David L. Baker.....	do ...	New York ..	New York city.
Marks L. Frank	do ...	New York ..	New York city.
Alexander Thain	do ...	New York ..	New York city.
Joseph D. Loveland....	do ...	Niagara.....	Beach Ridge.
Sherburne B. Piper....	do ...	Niagara.....	Lewiston.
William Jones.....	do ...	Oneida	Utica.
A. DeVerney Townsley	do ...	Oneida	Vernon.
Cyrus D. Prescott.....	do ...	Oneida	Rome.
Robert H. Roberts.....	do ...	Oneida	Boonville.
Thomas G. Alvord.....	do ...	Onondaga...	Syracuse.
Samuel Willis	do ...	Onondaga...	Tully.
Josiah G. Holbrook....	do ...	Onondaga...	Jamesville.
David Cosad, Jr.....	do ...	Ontario	Oaks Corners.
Amasa T. Winch	do ...	Ontario	Canadice.
James G. Graham.....	do ...	Orange.....	Newburgh.
James W. Hoyt	do ...	Orange.....	Goshen.
Charles H. Mattison....	do ...	Orleans	South Barre.
Charles North.....	do ...	Oswego.....	Oswego.
George M. Case	do ...	Oswego.....	Fulton.
DeWitt C. Peck.	do ...	Oswego.....	Mexico.
Azro Chase.....	do ...	Otsego.....	Chaseville.
Daniel F. Pattingill ...	do ...	Otsego.....	Hartwick.
Hamilton Fish, Jr.....	do ...	Putnam.....	Garrisons.
Elbert Floyd-Jones ...	do ...	Queens.....	Seaford.
John Keegan.....	do ...	Queens.....	Astoria.
John H. Burns.....	do ...	Rensselaer ..	Troy.
Solomon V. R. Miller..	do ...	Rensselaer ..	Mechanicville.
William H. Sliter.....	do ...	Rensselaer ..	Greenbush.
Erastus Brooks.....	do ...	Richmond...	West New Brighton.
James M. Nelson	do ...	Rockland ...	Stony Point.
George F. Rowland....	do ...	St. Lawrence	Edwardsville.
A. Barton Hepburn....	do ...	St. Lawrence	Colton.
Rufus S. Palmer.....	do ...	St. Lawrence	North Lawrence.
George W. Neilson	do ...	Saratoga	Ketchams Corners.
Daniel H. Deyoe	do ...	Saratoga	Bacon Hill.
Arthur D. Mead.....	do ...	Schenectady.	Quaker Street.
Charles Bouck	do ...	Schoharie ...	Fultonham.
Abram V. Mekeel.....	do ...	Schnyler	North Hector.
Diedrich Willers, Jr....	do ...	Seneca.....	Varick.
Azariah O. Brundage...	do ...	Steuben.....	Bath.
George R. Sutherland..	do ...	Steuben.....	Campbelltown.
Charles S. Havens.....	do ...	Suffolk	Center Moriches.
Thornton A. Niven....	do ...	Sullivan	Monticello.
J. Theodore Sawyer ...	do ...	Tioga.....	Waverly.
Samuel D. Halliday....	do ...	Tompkins ...	Ithaca.
Seaman G. Searing	do ...	Ulster	Saugerties.
Nathan Keator.....	do ...	Ulster	Rosendale.
Isaac Hamilton.....	do ...	Ulster	Deming.
Alson B. Abbott.....	do ...	Warren	Glens Falls.
Abram Reynolds	do ...	Washington .	Greenwich.
George L. Terry.....	do ...	Washington .	Sandy Hill.
Jackson Valentine.....	do ...	Wayne	Rose.

* Seat awarded to Charles H. Duell, April 2, 1878.

LIST OF OFFICERS.

NAME.	Office.	County.	Residence, nearest P. O.
James H. Miller.....	Assemblyman ...	Wayne	Newark.
Ambrose H. Purdy....	do ...	Westchester.	Morrisania.
William F. Moller.....	do ...	Westchester.	Irvington.
James W. Husted.....	do ...	Westchester.	Peekskill.
John E. Lowing.....	do ...	Wyoming ...	East Gainsville.
Joel M. Clark.....	do ...	Yates	Italy Hollow.

PRESIDING OFFICERS AND CLERKS.

NAME.	Office.	County.	Residence, nearest P. O.
William Dorsheimer....	President of the Senate.....	Erie	Buffalo.
James W. Husted.....	Speaker of the Assembly	Westchester.	Peekskill.
John W. Vrooman.....	Clerk of the Senate.....	Herkimer ...	Herkimer.
Edward M. Johnson ...	Clerk of the Assembly.....	Otsego.....	Oneonta.

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND FIRST REGULAR SESSION OF THE LEGISLATURE, BEGUN THE FIRST DAY OF JANUARY, AND ENDED THE FIFTEENTH DAY OF MAY, 1878, AT THE CITY OF ALBANY.

CHAP. 1.

AN ACT to legalize certain proceedings of the board of supervisors of the county of Saratoga.

PASSED January 10, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of the proceedings of the board of supervisors of the county of Saratoga, at their annual meeting in the year one thousand eight hundred and seventy-seven, as provide for a loan by the said county of twenty thousand dollars are hereby legalized, and the obligations which shall be issued in compliance therewith shall constitute a valid debt against the said county.

§ 2. This act shall take effect immediately.

CHAP. 2.

AN ACT authorizing the board of supervisors of the county of Albany to issue bonds to pay a portion of the bonds of said county, that will mature during the year eighteen hundred and seventy-eight.

PASSED January 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: . . .

Bonds may be issued.	SECTION 1. The board of supervisors of the county of Albany, are hereby authorized pursuant to a resolution of said board, passed December sixth, eighteen hundred and seventy-seven, as follows:
When payable.	Resolved "That the finance committee be and they are hereby authorized to borrow on the credit of the county, the sum of two hundred thousand dollars to pay a portion of the bonds maturing during the year eighteen hundred and seventy-eight, and to reissue therefor county bonds with interest at six per centum, payable March first, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-three and eighteen hundred and ninety-four, fifty thousand dollars in each year, and that each bond be signed by the chairman of this board and the county treasurer.
How executed.	That such bonds be issued in the sum of one thousand dollars each, and that the bonds be sold at public auction on the fourteenth day of February, eighteen hundred and seventy-eight, the sale to be advertised for two weeks in the official county papers, and the finance committee receive proposals for engraving and printing such bonds, and let the same to the lowest responsible bidder, and that the finance committee pay over to the county treasurer the proceeds of such bonds."
Engraving and printing.	
Denomination of bonds and how sold.	Which resolution is hereby ratified, and the said board of supervisors of the county are authorized to issue bonds of said county to the amount of two hundred thousand dollars, to be sealed with the seal of said county, and signed by the chairman of said board and by the treasurer of said county, fifty thousand dollars of said bonds to be payable on the first day of March, eighteen hundred and ninety-one, fifty thousand dollars payable on the first day of March, eighteen hundred and ninety-two, fifty thousand dollars payable on the first day of March, eighteen hundred and ninety-three, fifty thousand dollars payable on the first day of March, eighteen hundred and ninety-four, with interest at six per centum per annum, payable on the first days of March and September. The bonds are to be of the denomination of one thousand dollars each, and the said board of supervisors are authorized and directed to sell the said bonds at public auction on Thursday, the fourteenth day of February, eighteen hundred and seventy-eight, the sale to be previously advertised for two weeks in the papers designated by resolution of said board of supervisors of said county of Albany, provided that such bonds shall not be sold for less than par. Said board shall receive proposals for the engraving and printing of said bonds, and let the same to the lowest responsible bidder, and the said board of supervisors shall pay over the avails of said bonds to the treasurer of the county of Albany, less the amount
Avails of sale, how applied.	

of expenses of such sale, and said treasurer shall apply said avails in payment of the bonds of said county of Albany that shall mature in eighteen hundred and seventy-eight, so far as the same shall be sufficient for that purpose.

§ 2. The said board of supervisors shall cause to be levied by tax on the taxable property of said county, and collected and paid annually, such sums as may be necessary to pay the interest on said bonds and pay such portion of the principal thereof, from time to time, as the same shall become due, and the said treasurer shall apply the money, so collected and paid to him, towards the interest and principal of said bonds as they shall become due.

Tax to be levied for payment of interest and principal.

§ 3. This act shall take effect immediately.

CHAP. 3.

AN ACT conferring certain powers on the Clerk of the surrogate's court of the county of Kings.

PASSED January 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The clerk to the surrogate's court of the county of Kings is hereby authorized and empowered to sign and certify any and all the records of said court, including the certificate required by law to be indorsed upon last wills and testaments; and also the certificate of the record thereof and all letters testamentary, letters of administration, letters of collection and letters of guardianship, between the first day of January and the eleventh day of May, eighteen hundred and seventy-seven, while Walter L. Livingston was surrogate of the county of Kings, in the same manner as now required by law.

Clerk may sign and certify records.

§ 2. This act shall take effect immediately.

CHAP. 4.

AN ACT to facilitate the transfer to the United States of the title to the Antietam National Cemetery in the State of Maryland.

PASSED January 19, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state of Maryland is hereby authorized to convey to the United States all the right, title and interest of the state of New York in and to the land occupied by the Antietam National Cemetery in the county of Washington, in the said state of Maryland, and if the said state of Maryland shall have already made such transfer of title to the United States, the assent thereto of the state of New York is hereby granted.

State of Maryland authorized to convey title.

Governor
to trans-
mit copies
of act.

§ 2. The governor of this state is requested to transmit a copy of this act to the president of the United States, and to the governor of the state of Maryland.
§ 3. This act shall take effect immediately.

CHAP. 5.

AN ACT to authorize the Board of Supervisors of Orange county to issue bonds to provide for the payment of certain outstanding certificates of indebtedness of said county.

PASSED January 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Bonds
may be
issued.

Execution
of bonds
and sale
of.

Interest.

Principal,
when
payable.

Proceeds
to be di-
vided into
two funds.

Fund for
payment
of general
indebted-
ness certi-
ficates.

Fund for
payment
of poor
fund cer-
tificates.

Cancellat-
ion.

SECTION 1. The board of supervisors of Orange county, are hereby authorized to issue bonds in denominations of not less than one hundred dollars or more than one thousand dollars, to the amount of thirty-five thousand dollars, which are to be sealed with the seal of said board, signed by the chairman and clerk thereof, countersigned by the county clerk of Orange county and registered in the office of said county clerk, and when issued to be disposed of by said board at not less than their par value.
§ 2. The bonds authorized to be issued by the preceding section shall bear interest at the rate of six per cent per annum, payable annually, on the first day of February in each year, until they respectively mature, and the principal thereof shall become due and payable as follows: ten thousand dollars on the first day of February, one thousand eight hundred and eighty-one; ten thousand dollars on the first day of February, one thousand eight hundred and eighty-two; five thousand dollars on the first day of February, one thousand eight hundred and eighty-three; five thousand dollars on the first day of February, one thousand eight hundred and eighty-four; and five thousand dollars on the first day of February, one thousand eight hundred and eighty-five.
§ 3. The money realized by the sale of said bonds, shall be divided into two separate and distinct funds, the one to consist of twenty-five thousand dollars and to be devoted only to the payment of certain certificates of indebtedness heretofore issued by said board under and by virtue of chapter seven of the laws of one thousand eight hundred and seventy-five, the proceeds of which certificates were applied to the payment of the general indebtedness of the said county, then existing, and the other fund to consist of ten thousand dollars and to be applied only to the payment of certain certificates of indebtedness issued under the same act and the proceeds of which were applied to the payment of certain indebtedness, then existing for the support of the poor. The certificates of indebtedness which shall be paid as in this section provided, shall in no case be reissued for any purpose whatever, but shall be canceled and destroyed by the treasurer of Orange county who shall thereupon make a certificate thereof and file the same in the office of the clerk of said county.

§ 4. The said board of supervisors shall cause to be levied, by tax upon the taxable property of said county, and to be collected and paid annually such sums, from time to time, as shall be necessary to pay the interest on the bonds to be issued as aforesaid, to the amount of twenty-five thousand dollars for the redemption of the said general indebtedness certificates. And the said board shall cause to be levied, by tax, upon the taxable property of said county, (excepting therefrom that portion embraced in the town and city of Newburgh) and to be collected and paid annually, such sums, as shall from time to time, be necessary to pay the interest on the bonds to the amount of ten thousand dollars, the proceeds of which are to be applied to the payment of the certificates heretofore issued, as aforesaid, on account of the poor fund indebtedness.

Tax for
payment
of interest.

City and
town of
Newburgh
excepted
from por-
tion of.

§ 5. For the purpose of paying the bonds authorized to be issued as aforesaid the said board of supervisors shall, from time to time, cause to be levied by tax upon the taxable property of the county of Orange and to be collected and paid, such sum, as shall be necessary to redeem bonds to the amount of five thousand dollars which shall become due as aforesaid, February first, one thousand eight hundred and eighty-one. Five thousand of those which shall become due February first, one thousand eight hundred and eighty-two and a sufficient sum to redeem those becoming due February first, one thousand eight hundred and eighty-three, one thousand eight hundred and eighty-four, and one thousand eight hundred and eighty five. And the said board of supervisors shall cause to be levied upon the taxable property of said county, (excepting that portion included in the city and town of Newburgh) and to be collected and paid, sums sufficient to redeem the remainder of the bonds to be issued as aforesaid, to wit: five thousand dollars in amount of those to become due February first, one thousand eight hundred and eighty-one, and a like amount for those to become due February first, one thousand eight hundred and eighty-two.

Tax for
payment
of bonds.

City and
town of
Newburgh
excepted
from por-
tion of.

§ 6. This act shall take effect immediately.

CHAP. 6.

AN ACT to repeal the act entitled "An act to incorporate the Chenango County Savings Bank," passed March seventeen, eighteen hundred and sixty.

PASSED January 23, 1873.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act to incorporate the Chenango County Savings Bank," passed March seventeen, eighteen hundred and sixty, and being chapter seventy-five of the laws of eighteen hundred and sixty, is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 7.

AN ACT making appropriation for continuing work upon the new capitol during the winter and spring of eighteen hundred and seventy-eight, and for the demolition of the buildings known as "Congress Hall."

PASSED January 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation for completion of senate and assembly chambers.

SECTION 1. The sum of three hundred thousand dollars is hereby appropriated out of surplus balances now in the treasury of the state, not otherwise appropriated, toward the completion of the assembly and senate chambers of the new capitol building, to be expended during the winter and spring of eighteen hundred and seventy-eight; which amount shall be paid by the treasurer, upon the warrant of the comptroller, to the order of the new capitol commissioners as they shall require the same.

Completion, etc., of assembly chamber, for occupation Jan. 1, 1879.

§ 2. The said new capitol commissioners are hereby directed to take such measures as shall insure the completion and furnishing of that portion of the new capitol, containing the assembly chamber, for occupation, on the first day of January, eighteen hundred and seventy-nine, by the senate and assembly.

Congress Hall, demolition of.

§ 3. The buildings known as Congress Hall, and deeded to the state by the city of Albany, shall within sixty days after the adjournment of the present Legislature, be removed by the commissioners of the new capitol, and the land thereby made vacant shall be used thereafter exclusively by the state for the purposes of the capitol. In effecting said removal said commissioners are hereby authorized to sell or use the material of said building as a whole or in parts, in such manner as in the judgment of said commissioners shall best conduce to the interest of the state.

Commissioners may sell material of.

§ 4. This act shall take effect immediately.

CHAP. 8.

AN ACT to regulate the time of the payment of the salary of the judges of the city court of Brooklyn, of the county judge and surrogate of the county of Kings.

PASSED January 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the judges of the city court of Brooklyn, and the salary of the county judge and that of the surrogate of the county of Kings, from and after the passage of this act, shall be paid in equal monthly payments at the end of each month.

CHAP. 9.

AN ACT to legalize and confirm the official acts of John W. C. Leveridge, of the city of New York, a notary public.

PASSED January 26, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The official acts and proceedings of John W. C. Leveridge, of the city of New York, performed by him as notary public for the city and county of New York, since the thirtieth day of March, one thousand eight hundred and seventy-seven, are hereby made as legal and shall be held to be of the same force and validity, as if the term of office of the said John W. C. Leveridge, as such notary public, had not expired on the thirtieth day of March, one thousand eight hundred and seventy-seven. Official acts as notary public legalized.

§ 2. This act shall not affect any action or legal proceeding now pending. Proviso.

§ 3. This act shall take effect immediately.

CHAP. 10.

AN ACT to provide for the collection of certain unpaid taxes in the village of Glens Falls.

PASSED January 30, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of trustees of the village of Glens Falls are hereby authorized and required to cause to be delivered to the collector of said village the tax roll of said village, for the year eighteen hundred and seventy-seven, with a new and additional warrant thereunto annexed, signed by the president of said village and countersigned by the clerk thereof, commanding such collector to collect all uncollected and unpaid taxes therein appearing with his fees, and to return said warrant within sixty days after the date thereof, and said collector is hereby required to proceed thereon, and collect all such uncollected and unpaid taxes appearing thereon in the same manner as is now provided by law for the collection of the ordinary village taxes of said village, and such collector shall be vested with and have and exercise the same rights, power and authority, and be subject to the same liabilities in regard thereto as though such new warrant were the original one duly attached to the village tax list in the first instance. Tax roll, with new warrant, to be delivered to collector. Powers and duties of collector.

§ 2. Nothing herein contained shall be construed so as to release or affect any liability of John Corbett, the deceased collector, of said village or of his bail or estate. Liability of bail of deceased collector.

§ 3. This act shall take effect immediately.

CHAP. 11.

AN ACT to legalize the drawing of a petit jury for the Schoharie county court and court of sessions for February term in eighteen hundred and seventy-eight.

PASSED January 30, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The panel of petit jurors drawn by the county clerk of Schoharie county, for the term of the county court and court of sessions appointed to be held in and for the county of Schoharie on the second Monday of February, eighteen hundred and seventy-eight, is hereby legalized, and declared to be as valid and legal as if six days' notice of such drawing had been published or posted by said county clerk as required by law prior to the drawing of said petit jury.

§ 2. This act shall take effect immediately.

CHAP. 12.

AN ACT to amend chapter one hundred and forty-five of the laws of eighteen hundred and sixty-eight, entitled "An Act to regulate the expenditures for poor purposes in Seneca county."

PASSED January 31, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of chapter one hundred and forty-five of the laws of eighteen hundred and sixty-eight, entitled "An Act to regulate the expenditures for poor purposes in Seneca county," is hereby amended so as to read as follows:

Joint board to audit accounts for temporary relief; time for meeting.

Officers of auditing board. Poor checks, how to be drawn and paid.

§ 8. The committee of the board of supervisors, appointed at their annual session, on the accounts of superintendents and overseers of the poor shall, on the first Wednesday in February in each and every year, meet at the county poor-house with the superintendents of the poor, and the superintendents, and said committee of the supervisors shall jointly constitute an auditing board to audit and settle all accounts for temporary relief furnished to the poor outside of the poor-house, from the first day of November preceding the time of meeting of said auditing board. The said auditing board shall elect one of their number chairman, and also a clerk from their own number, and the said clerk shall, under the direction of the board, draw checks upon the county treasurer for all bills audited which shall be paid by the county treasurer, the same as checks drawn by order of the board of supervisors.

§ 2. This act shall take effect immediately.

CHAP. 13.

AN ACT to repeal chapter seventy-two of the laws of eighteen hundred and seventy-seven, passed March twenty-ninth, eighteen hundred and seventy-seven, entitled "An act to regulate voting in the Western New York Agricultural Society.

PASSED February 2, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter seventy-two of the laws of eighteen hundred and seventy-seven, entitled "An act to regulate voting in the Western New York Agricultural Society," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 14.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eight, eighteen hundred and sixty-one, and the various acts amendatory thereof.

PASSED February 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-nine of said charter is hereby amended so as to read as follows:

§ 99. On the last Thursday of March in each year, the common council shall cause to be exposed for sale as hereinafter provided, all real estate charged with any tax which shall have been due and unpaid more than thirty days previous to said last Thursday, in March. Unpaid taxes, sale of real estate for.

§ 2. Section one hundred and two of said charter is hereby amended so as to read as follows:

§ 102. If such tax or assessment and the percentage, interest and expenses aforesaid be not paid by the said last Thursday of March, the city treasurer shall at the time and place appointed in the notices required to be given as aforesaid, or on some day immediately thereafter to which said sale may be adjourned, proceed to sell the said several parcels of real estate for the shortest time any bidder will take such premises and pay the said tax or assessment with said charges and expenses; and on such sale he shall execute to the bidder a certificate of sale in which the property purchased shall be described, the aggregate amount of tax or assessment and said charges and expenses, and the time for which the premises were purchased, shall be specified; How sold. Certificate of sale.

Fees added, how applied.

also the time when the purchaser will be entitled to receive the lease hereinafter mentioned. The amount added to such tax or assessment for fees shall be carried to the contingent fund.

§ 3. This act shall take effect immediately.

CHAP. 15.

AN ACT to legalize and confirm the official acts of James Monroe, a justice of the peace of the town of Worth, in the county of Jefferson.

PASSED February 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official acts as justice of the peace legalized.

SECTION 1. All the official acts and proceedings by or before James Monroe, as a justice of the peace, in and for the town of Worth, in the county of Jefferson, since the commencement of the term of office for which he was elected, to wit, January first, eighteen hundred and seventy-six, are hereby legalized and confirmed, and shall have the same force and validity, as if the said James Monroe had taken and filed his oath of office within the time required by law.

Proviso.

§ 2. Nothing in this act shall affect any suit now pending, or any right now vested or acquired by reason of such acts or proceedings.

§ 3. This act shall take effect immediately.

CHAP. 16.

AN ACT to release the interest of the people of the state of New York in certain real estate in Flushing, Queens county, to Elijah Rontas.

PASSED February 4, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of the state released.

SECTION 1. All the right, title and interest of the people of the state of New York of, in and to the following described premises, to wit: All that certain lot of ground situate in the village of Flushing, Queens county, and bounded as follows, namely: On the south in front by Liberty street, thirty feet; thence easterly by land formerly of Peter Hellen, ninety-eight feet; thence northerly by land late of Charles Loweree and the estate of John H. Loweree, thirty feet; thence westerly by land now or late of Benjamin Griffin, ninety-eight feet, to Liberty street; being the premises conveyed by William D. Loweree to Henry Williams, by deed dated April twenty-eight, eighteen hundred and thirty-five, and recorded in liber O O of conveyances, at page two hundred and forty-seven, in the office of the clerk of Queens county, is hereby released to Elijah Rontas, of said village of Flushing, his heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to affect any right, title or interest of any heir or devisee, grantee or vendee, or of any creditor by mortgage or otherwise, of, in or to said premises. Not to affect rights of heirs, etc.

§ 3. This act shall take effect immediately.

CHAP. 17.

AN ACT to release to Catharine Ringler the interest of the people of the state of New York in and to the surplus moneys deposited with the chamberlain of the city of New York to the credit of the action in the supreme court wherein John Adelhardt was plaintiff and Catharine Ringler and others were defendants

PASSED February 8, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, claim, right, title and interest of the people of this state, in and to the surplus moneys, amounting to two hundred and fifty-nine dollars and sixty-two cents, arising on the foreclosure sale of certain real estate whereof Christian Ringler, late of the city of New York, died seized, situate in the twenty-third ward of said city, and now on deposit with the chamberlain of the city of New York to the credit of the action in the supreme court wherein John Adelhardt was plaintiff and Catharine Ringler, Jacob Ringler, Daniel Ringler and the people of the state of New York were defendants, is hereby released to Catharine Ringler, widow of Christian Ringler, late of the city of New York, deceased.

Title of the state released.

§ 2. Nothing herein contained shall be construed to impair or affect any legal right, claim or interest of any purchaser, heir-at-law, devisee, or of any creditor of, in or to said estate or surplus money.

Not to affect rights of heirs, etc.

§ 3. This act shall take effect immediately.

CHAP. 18.

AN ACT in relation to field books, surveys, maps, official papers, reports and records, in the office of the state engineer and surveyor.

PASSED February 13, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Copies of all official field books, maps, surveys, records, reports and papers filed or deposited according to law, in the office of the state engineer and surveyor, when certified by the state engineer and surveyor, or his deputy in the form of and pursuant to law, shall, in all cases, be evidence, equally and in like manner, as the originals.

Certified copies of records, etc., evidence.

Seal, provision for and use of.

§ 2. The state engineer and surveyor, with the approval of the governor, shall devise a seal of office, with suitable inscription, a description of which, with a certificate of approval by the governor, shall be filed in the office of the secretary of state, with an impression thereof, which seal shall thereupon be and become the seal of office of the state engineer and surveyor, and the same may be renewed when necessary. Whenever and from the time that such description and impression of seal are filed in the office of the secretary of state, all certificates of the sale of state lands, all copies of maps, surveys, field books, official papers, reports or records, certified by the state engineer and surveyor or his deputy shall be sealed with said seal of office.

§ 3. This act shall take effect immediately.

CHAP. 19.

AN ACT to amend chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Hamilton, in the county of Madison, and repeal its present charter," and to repeal chapter two hundred and fifty of the laws of eighteen hundred and seventy, chapter eighteen of the laws of eighteen hundred and seventy-four, and chapter one hundred and forty-two of the laws of eighteen hundred and seventy-five.

PASSED February 13, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of chapter four hundred and thirty-five of the laws of eighteen hundred and sixty-eight, entitled, "An act to incorporate the village of Hamilton, in the town of Hamilton, in the county of Madison, and repeal its present charter, amended by chapter one hundred and sixty-six of the laws of eighteen hundred and seventy-seven," is hereby amended to read as follows :

Annual election, time for holding, manner of conducting,—canvassing votes.

§ 6. The annual election under this act, shall be held on the last Tuesday of February in each year. The poll of such election shall be opened at nine o'clock in the forenoon, and shall be kept open until five o'clock of the same day, except such time as may be necessary to transact the other business of the meeting, which business shall be commenced at two o'clock in the afternoon, and be continued until all such business is disposed of. And the inspectors shall, after closing the poll of said election, forthwith without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, and therein also certify, who, by a plurality of votes, are elected to fill the offices voted for and file the same with the clerk of the village. And the persons who are officers of said village when this act takes effect, shall be and remain officers until the persons elected under this act shall be qualified to act, and possess all the powers and perform all the duties given and required by this act.

Present officers to remain in office till successors qualify.

§ 2. This act shall take effect immediately.

CHAP. 20.

AN ACT to authorize the town of Richfield, in the county of Otsego, to refund its funded debt.

PASSED February 13, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- SECTION 1. It shall be lawful for the commissioners of the town of Richfield, in the county of Otsego, appointed under and by virtue of chapter three hundred and sixty-four, of the laws of eighteen hundred and sixty-six, to execute bonds chargeable on the faith and credit of said town, not exceeding in the aggregate the sum of ninety thousand dollars, at a rate of interest not exceeding seven per centum per annum. The bonds so to be executed may be in such sums and payable at such times and places, not exceeding the term of twenty years, and in such form, as the said commissioners or their successors may deem expedient.

Commissioners may execute bonds.
- § 2. The said commissioners may in their discretion dispose of such bonds or any part thereof, to such persons or corporations, upon such terms, and in such manner as they shall deem most advantageous to said town, either at public or private sale, but for not less than par, and all the proceeds arising from the sale thereof shall be used by said commissioners to redeem and pay off the outstanding bonds of said town, issued under and pursuant to the provisions of said chapter three hundred and sixty-four, of the laws of eighteen hundred and sixty-six, and acts amendatory thereof, and for no other purpose.

Rate of interest. Bonds, when payable.

Disposition of.

Proceeds, how applied.
- § 3. The said commissioners shall also provide within five years from the time of issuing said bonds for the annual payment of at least six per centum of the same so as to insure the final liquidation of said bonds within twenty years after this date, and for this purpose all moneys necessary so to be raised, shall be annually reported by said commissioners or their successors, to the board of supervisors of said county of Otsego, to be levied and assessed annually upon the taxable property of said town of Richfield.

Payment of bonds.
- § 4. The bonds so redeemed and paid by said commissioners, or their successors, and all coupons of interest thereto attached, shall be canceled by the commissioners and deposited in the county clerk's office of said county of Otsego, in the manner prescribed by chapter five hundred and thirty-seven, laws of eighteen hundred and seventy-one, in relation to the cancellation and filing of railroad bonds.

Cancellation of bonds.
- § 5. Nothing herein contained shall in any way affect the validity of any of the outstanding bonds of said town, nor in any way authorize said commissioners to make any discrimination in the payment thereof.

Proviso.
- § 6. Before the said commissioners or either of them shall enter upon the discharge of his or their duties under this act, they shall jointly and severally with two or more sureties, execute to the supervisor of said town a bond, in a penal sum equal to the total amount of bonds so to be issued by them, conditioned for the faithful discharge of the duties imposed upon them by this act, and for the just and honest

Commissioners to give bonds.

Approval
of.To be de-
posited
with
super-
visor.

application by them of all bonds so issued and of all moneys realized from the sale of said bonds, or that shall in any way come into their hands by virtue of their office under this act, according to the true intent and meaning of the same. The said bonds both as to form and sufficiency shall be determined by said supervisor, and be approved both by him and the county judge of the county of Otsego, to be attested by their written indorsement thereon; and said bonds shall be immediately thereafter deposited by said commissioners with said supervisor for the use and benefit of said town in case of any default, breach of duty, or malfeasance in office, on the part of said commissioners.

§ 7. This act shall take effect immediately.

CHAP. 21.

AN ACT authorizing the appointment of a person to perform clerical duties, in the supreme court in Kings county.

PASSED February 13, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appoint-
ment.Oath of
office.Powers
and duties.

Salary.

SECTION 1. The justices of the supreme court, residing in Kings county, are hereby authorized by an instrument in writing, to appoint and at pleasure remove a person to perform clerical duties, in the supreme court in Kings county. The person so appointed, shall subscribe and file in the clerk's office, the constitutional oath of office, and, in the absence of the county clerk of Kings county, shall possess all the powers and perform all the duties in respect to the business of the supreme court, which shall be prescribed by the justices, or any justice thereof; and shall have power to employ all necessary assistance in the duties required of him.

§ 2. The board of supervisors of Kings county shall fix the salary of the person so appointed and provide for the payment thereof, from the first day of September, eighteen hundred and seventy-seven, in monthly payments during his service. The sum so fixed as salary, shall be in full for such service and for all clerical assistance furnished by him. The amount so fixed shall be a county charge, to be raised with the annual taxes of said county.

§ 3. This act shall take effect immediately.

CHAP. 22.

AN ACT to amend chapter one hundred and two of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the Onondaga County Milk Association."

PASSED February 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and two of the laws of eighteen hundred and seventy-two, the act entitled, "An act

to incorporate the Onondaga County Milk Association," is hereby amended so as to read as follows:

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, which shall be deemed personal property, and shall be divided into one thousand shares of one hundred dollars each; such shares to be assigned or transferred, as provided by the by-laws of said corporation.

§ 2. This act shall take effect immediately.

CHAP. 23.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns of this state.

PASSED February 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector or receiver of taxes, in any town of this state, shall pay over all moneys collected by him, shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents, and shall renew his bond as herein provided, the time for the collection of all other taxes and for making return thereof by him, shall be, and is hereby extended to the first day of May, eighteen hundred and seventy-eight, such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof; or, in case of his absence or inability to act, by the town clerk thereof. The penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of the county in which said town is; but nothing herein contained shall be construed as extending the time for the payment of the state tax, or any part thereof, by the county treasurer of said county to the comptroller, as now provided by law.

How extended.

Renewal of bond.

Approval.

Copy to be delivered to treasurer.

§ 2. It shall be the duty of the secretary of state, immediately after the passage of this act, to cause it to be printed upon slips of paper and delivered to each county treasurer a sufficient number thereof to supply one copy to each collector or receiver of taxes in said county, and it shall be the duty of said county treasurer to deliver one copy thereof to each collector or receiver of taxes in his county.

Duties of secretary of state.

§ 3. This act shall take effect immediately.

CHAP. 24.

AN ACT to change the name of the "Woman's Aid Society and Home for Training Young Girls."

PASSED February 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporate name of the "Woman's Aid Society and Home for Training Young Girls," is hereby changed to "The Free Home for Destitute Young Girls," and the said, "The Free Home for Destitute Young Girls," shall hereafter elect the trustees or managers of the said corporation, who shall possess all the powers and be subject to the duties and liabilities which were imposed on the trustees or managers of the said "Woman's Aid Society and Home for Training Young Girls."

§ 2. This act shall take effect immediately.

CHAP. 25.

AN ACT to authorize the board of education of Fairport union free school district number nine of the town of Perinton, Monroe county, to issue coupon bonds to replace the moneys lost by the district, through the defalcation of its treasurer.

PASSED February 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of education may raise money by issuing bonds.

How sold and when payable.

Record of sale.

SECTION 1. The board of education of Fairport union free school district number nine, of the town of Perinton, in Monroe county, are hereby authorized and empowered to raise upon the credit of said district number nine the sum of three thousand dollars, by the issuing of coupon bonds, signed by the president and clerk of the said board. The said bonds shall be issued in such amounts as the board of education of said district may determine, and shall bear interest at a rate not exceeding seven per centum per annum, but of denominations not less than one hundred dollars each. Said bonds may be sold by the said board of education, but shall be sold at not less than their par value. One-third of said bonds, in amount, shall be made payable on the first day of July, in the year one thousand eight hundred and seventy-nine; one-third in amount shall be made payable on the first day of July, in the year one thousand eight hundred and eighty; and the balance on the first day of July, in the year one thousand eight hundred and eighty-one. And the clerk of said board of education shall enter, in a book to be used by him for such purpose, the number, date and denomination of each of the bonds authorized to be issued under this act, together with the date of its disposal and sale; and upon the redemption and payment of each, or any of said bonds, the same shall

be canceled by the erasure of the signatures of the officers attached thereto, and shall thereafter be immediately filed and remain in the office of the clerk of said board.

§ 2. All moneys, raised, as in section one of this act provided, shall be used by the said board of education to pay the balance of principal and interest yet due and to grow due upon bond number four, issued under and by virtue of chapter twenty-four of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the board of education of district number nine, in the town of Perinton, to construct a school building, and provide means for the payment therefor;" and if there shall be any surplus moneys after paying said bond number four, principal and interest, the same may be disposed of under the direction of the said board of education.

Moneys,
how ap-
plied.

§ 3. The said board of education shall make provision for the payment of principal and interest of the bonds authorized to be issued by the first section of this act, by causing to be levied and collected upon the real and personal property within said district, subject to taxation, and at or before each several time, when, by the terms of this act, the same shall become due, a sum sufficient to pay the principal and interest then to become due, in the same manner as the said board is now authorized by law, to levy and collect taxes for educational purposes.

Payment
of princ-
pal and
interest.

§ 4. This act shall take effect immediately.

CHAP. 26.

AN ACT authorizing the city of Kingston to issue bonds for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, falling due in the years eighteen hundred and seventy-nine, eighteen hundred and eighty, eighteen hundred and eighty-one, and eighteen hundred and eighty-two, and its proportion, or quota of the bonded indebtedness of the county of Ulster falling due in said years.

PASSED February 16, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The city of Kingston is hereby authorized to issue bonds to an amount not exceeding three hundred thousand dollars for the purpose of creating a fund to pay the principal of the bonded indebtedness of said city, which will fall due in the years one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, and its proportion, or quota, of the bonded indebtedness of the county of Ulster which will fall due in said years.

Bonds may
be issued.

Purpose
of.

§ 2. Said bonds shall be issued in the name and under the seal of said city, and be signed by the mayor and treasurer thereof, in sums not less than one hundred dollars each, with interest, at six per centum per annum, payable semi-annually, on the fifteenth days of January and July of each year; and the principal thereof shall be made payable in not less than thirty years, unless the common council

Bonds,
how exe-
cuted.
Interest.

When pay-
able.

How to be
sold.

of said city shall determine that said bonds, or some of them, shall contain a clause that said city may at its option pay the principal thereof at any time after ten years from their respective dates; and said bonds shall be sold at public auction under the direction of the presidents for the time being of the several banks for savings and discount located in said city, namely: The National Ulster County Bank, the Kingston National Bank, the National Bank of Rondout, the State of New York National Bank, the First National Bank of Rondout, the Ulster County Savings Institution, the Rondout Savings Bank and the Kingston Savings Bank, or a majority of said bank presidents who shall act without compensation but none of said bonds shall be sold at less than par, and no more of said bonds shall be sold, issued, or executed, in any one year than shall be necessary to raise a fund sufficient to pay the principal of said bonded indebtedness falling due in that year.

Proceeds
to be paid
into city
treasury.
City treas-
urer to
give
bonds.

Approval
of bond,
etc.

§ 3. The proceeds of said bonds shall be paid into the city treasury, and shall be paid out only for the purpose aforesaid; and the treasurer of said city shall keep a separate account of said fund, and shall in each year before receiving said proceeds execute and deliver a bond to said city in double the amount of the principal of said bonded indebtedness falling due in that year, with two or more sureties to be approved by the mayor in writing indorsed upon said bond, conditioned for the faithful custody of said proceeds and payment thereof, as aforesaid, which bond, when so approved and indorsed by the mayor, shall be filed in the office of the clerk of the county of Ulster, who shall place the same on record as required in the case of collectors of towns. Said bond shall be a lien on all the real estate of said treasurer, and of each of his said sureties, and shall continue to be such lien until the condition thereof together with all the costs and charges which may accrue from the prosecution of said bond shall be fully satisfied.

Tax for
payment
of interest
and principal.

§ 4. The common council of said city shall make due provision, by tax, in each year, for the payment of the semi-annual interest aforesaid; and, also, any principal falling due on said bonds during said year, and such interest and principal shall be assessed, levied and raised in the same manner as any other general tax of said city, and in addition to, and in connection with, the general taxes of said city.

Submis-
sion to a
vote of the
taxable in-
habitants.

§ 5. The authority granted in and by the first section of this act shall not be exercised except upon a vote of the taxable inhabitants of said city in favor of such exercise, as provided in this section. The common council may at the annual city election in the year one thousand eight hundred and seventy-eight, or at a special election in said year to be appointed by said common council, submit to the taxable inhabitants of said city a proposition to exercise said authority. The vote on such proposition shall be taken by ballot, which shall be indorsed "funding" and shall have on the inside the words "for funding" or "against funding." No person shall vote on such proposition unless he shall be an elector of said city and shall have resided therein for six months next preceding the time when he offers his vote and shall be a bona fide tax payer in said city and shall have his name enrolled on the tax-roll of said city. The city clerk shall give ten days notice of any such election by publishing such notice in all the newspapers published in said city, and by posting such notice in the form of a large hand bill in at least one of the most public places in each ward, or election district thereof, which notice shall distinctly state the object of such election.

Ballots,
form of.

Qualifica-
tions of
voter.

Notice of
election.

The city clerk shall on the day before said election furnish to the inspectors of election, in each ward, or election district of said city, for use at said election, a separate ballot box for the reception of the ballots on said proposition, a copy of said notice and a certified copy of the names of the tax payers upon said tax roll. The ballots cast upon said proposition shall be deposited in said ballot boxes furnished for that purpose ; the said inspectors at the close of the polls, which shall be kept open without intermission or adjournment, from eight o'clock in the morning until five o'clock in the afternoon of the day of the election, shall forthwith, without adjourning, canvass the votes on said proposition received by them and certify and declare the result, stating the number of votes given in each ward, or election district, "for funding" and the number of votes given "against funding" and shall file said statement, or certificate, on the same or the next day with the city clerk. On the Monday next following the said election the common council in office at the time of said election, shall convene at ten o'clock in the forenoon, at their usual place of meeting, and the statements of the votes on the said proposition filed with the city clerk by the inspectors of election shall be produced by said clerk. The common council shall then forthwith determine, declare and certify the number of votes cast for said proposition, and the number of votes cast against the same, and the result of said election, which certificate * shall be filed with the city clerk and published in the official newspapers of said city. If the majority of the votes cast upon said proposition be in favor of the same, the common council shall then and thereafter have power to direct the issuing of said bonds but not otherwise.

Separate ballot boxes, etc., to be provided.

Canvassing of ballots and certificate of result.

§ 6. Until the maturity of the bonds provided for by this act, the bonded indebtedness of the city of Kingston shall not be increased except by a vote by ballot of a majority of the taxable inhabitants thereof previously had and obtained.

Increase of bonded indebtedness.

§ 7. This act shall take effect immediately.

CHAP. 27.

AN ACT to amend chapter one hundred and twenty-nine, of the laws of eighteen hundred and fifty-six, entitled "An act in relation to school district number six in the town of Lyons, Wayne county."

PASSED February 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of chapter one hundred and twenty-nine, of the laws of eighteen hundred and fifty-six, entitled "An act in relation to school district number six, in the town of Lyons, Wayne county," is hereby amended so as to read as follows :

Vacancies in office, how filled.

§ 8. In case of a vacancy from any cause of any office mentioned in this act, of persons elected, said board may make an appointment

*So in the original.

to fill such vacancy. The officer so appointed shall hold his office until the first Monday of January following the next annual school meeting of said district; at such annual meeting some suitable person shall be chosen to fill any unexpired term, continuing longer than to the said first Monday of January. In case any such vacancy exists at any time after the passage of this act, on or before the first day of September in any year, and shall not be filled within twenty days thereafter by said board, it shall be the duty of said board forthwith to call a special meeting of said district, for the purpose of filling such vacancy, upon the usual notice for district meetings. If such board refuse or neglect to call such meeting as herein specified for the period of ten days, then it shall be the duty of the clerk of said district, upon like notice to call such meeting. The person elected at such special meeting, upon filing his acceptance and oath of office with said board, shall be entitled forthwith to enter upon the duties of such office and shall hold the same for the whole unexpired term of the person whose vacancy he was elected to fill.

Secretary
of board
of educa-
tion.

§ 2. The clerk of said district shall hereafter act as the secretary of said board of education and may receive such reasonable compensation for his services as said board shall determine.

§ 3. This act shall take effect immediately.

CHAP. 28.

AN ACT relating to diseased animals.

PASSED February 28, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Sale, etc.,
of certain
diseased
animals a
misdemeanor.

SECTION 1. Any person who shall knowingly sell or offer for sale, or use, or expose, or who shall cause or procure to be sold, or offered for sale, or used, or to be exposed, any horse or other animal having the disease known as glanders, or farcy, or any other contagious or infectious disease by such person known to be dangerous to human life, or which shall be diseased past recovery, shall be guilty of a misdemeanor.

Animals
having
glanders
or farcy to
be killed.

§ 2. Every animal having glanders, or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or person omitting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

§ 3. This act shall take effect immediately.

CHAP. 29.

AN ACT making appropriations for the support of government.

PASSED February 25, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several amounts named in this act are hereby appropriated and authorized to be paid, from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year eighteen hundred and seventy-eight, namely:

FROM THE GENERAL FUND — EXECUTIVE DEPARTMENT.

- For the governor, for salary, ten thousand dollars. Governor, lieutenant governor.
- For the lieutenant-governor, for salary, five thousand dollars. Private secretary.
- For the private secretary of the governor, for salary, three thousand five hundred dollars. Clerks and messengers.
- For the clerks and messengers of the executive department, including the military secretary and messenger, for full compensation, eleven thousand five hundred dollars. Furniture, etc.
- For the executive department, for, furniture, blank and other books necessary for the use of the department, binding, blanks, printing, stationery, telegraphing and other incidental expenses thereof, three thousand dollars. Apprehension of criminals.
- For the executive department, for the apprehension of criminals, one thousand dollars. Apprehension of fugitives.
- For the executive department, for the apprehension of fugitives from justice, one thousand dollars. Expenses, etc., of executive mansion.
- For repairs and incidental expenses of the executive mansion, two thousand dollars.

JUDICIARY — COURT OF APPEALS.

- For the judges of the court of appeals, for salaries and expenses, sixty-three thousand five hundred dollars. Judges of the court of appeals.
- For the state reporter, for salary, five thousand dollars, and for clerk hire, two thousand dollars. State reporter.
- For the clerk of the court of appeals, for salary, five thousand dollars. Clerk.
- For the deputy clerk of the court of appeals, for salary, three thousand dollars. Deputy clerk.
- For the clerks in the office of the clerk of the court of appeals, for salaries, four thousand five hundred dollars. Clerk hire.
- For the messenger to the clerk of the court of appeals and the state engineer and surveyor (the same messenger), for salary, eight hundred dollars. Messenger.
- For furniture, books, binding, blanks, printing, calendar and other necessary expenses of the office of the clerk of the court of appeals, two thousand five hundred dollars. Office of the clerk of court of appeals.

Criers and attendants. For compensation of criers and attendants for the court of appeals, five thousand dollars.

SUPREME COURT.

Justices of supreme court. For the justices of the supreme court, for salaries and expenses, two hundred and thirty-one thousand six hundred dollars.

Justices second district, additional compensation. For the justices of the supreme court in the second judicial district, not residing in the county of Kings, for additional compensation, pursuant to chapter seven hundred and sixty-five of the laws of eighteen hundred and sixty-eight, five thousand dollars; and for the stenographers appointed under said act, three thousand five hundred dollars; said amounts to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said act and in pursuance thereof.

Stenographers.

General terms. For the expenses of the general terms of the supreme court, five thousand dollars.

OFFICE OF ATTORNEY-GENERAL.

Attorney-general. For the attorney-general, for salary, five thousand dollars.

Deputies. For deputies in the office of the attorney-general, for salaries, eight thousand dollars.

Clerks and messenger. For clerks and a messenger in the office of the attorney-general, for salaries, five thousand dollars.

Furniture, etc. For furniture, books, binding, blanks, printing and other necessary expenses of the office of the attorney-general, five hundred dollars.

Costs of suits. For costs of suits, fees of sheriffs, compensation of witnesses, and for expenses and disbursements by the attorney-general, two thousand dollars.

Expenses. For the expenses of the attorney-general, one thousand dollars, or so much thereof as may be necessary, the amount thereof to be certified by the governor.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state. For the secretary of state, for salary, five thousand dollars.

Deputy. For the deputy secretary of state and clerk of the commissioners of the land office, for salary and indexing the session laws, and making marginal notes thereof, three thousand five hundred dollars.

Clerks. For clerks in the office of the secretary of state, for salaries, sixteen thousand five hundred dollars.

Messenger. For messenger in the office of the secretary of state, for salary, one thousand dollars.

Furniture, etc. For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the secretary of state, two thousand dollars.

OFFICE OF THE COMPTROLLER.

Comptroller. For the comptroller, for salary, six thousand dollars.

Deputy. For the deputy comptroller, for salary, three thousand five hundred dollars.

Clerks. For clerks in the office of the comptroller, for salaries, twenty-three thousand dollars.

Messenger. For messenger in the office of the comptroller, for salary, four hundred dollars.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the comptroller, two thousand dollars. Furniture, etc.

OFFICE OF THE TREASURER.

For the treasurer, for salary, five thousand dollars. Treasurer.

For the deputy treasurer, for salary, three thousand five hundred dollars. Deputy.

For clerks in the office of the treasurer, for salaries, seven thousand five hundred dollars. Clerks.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the treasurer, eight hundred dollars. Furniture, etc.

DEPARTMENT OF PUBLIC INSTRUCTION.

For the superintendent of public instruction, for salary, five thousand dollars. Superintendent.

For the deputy superintendent of public instruction, for salary, three thousand five hundred dollars. Deputy.

For the clerks in the office of the superintendent of public instruction, for salaries, eight thousand five hundred dollars. Clerks.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the superintendent of public instruction, one thousand dollars. Furniture, etc.

For the department of public instruction, for traveling expenses, which may be incurred in the visitation of common schools, normal schools, teachers' institutes, Indian schools and other institutions under the supervision of that department, five hundred dollars. Travelling expenses.

OFFICE OF STATE ENGINEER AND SURVEYOR.

For the deputy state engineer and surveyor, for salary, three thousand five hundred dollars. Deputy state engineer and surveyor.

For compensation of clerks, in the office of the state engineer and surveyor to assist in the preparation of the railroad reports, two thousand five hundred dollars; and for the expenses of printing and binding said reports, five thousand dollars. Clerks for preparing report.

The salary of the deputy state engineer and surveyor, the compensation of the clerks above mentioned and the expenses of printing and binding, as aforesaid, shall be paid and refunded to the treasury of the state by the several railroad companies of this state, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five and the several acts of the legislature in relation thereto. Salary, etc., to be refunded.

For clerks in the office of the state engineer and surveyor, for salaries, three thousand five hundred dollars. Clerk hire.

For furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the state engineer and surveyor, five hundred dollars. Furniture, etc.

BOARD OF AUDIT.

For the board of audit, for compensation of a stenographer, five hundred dollars, and for incidental expenses, two hundred and fifty dollars. Stenographer, etc.

BANKING DEPARTMENT.

Superintendent.

For the superintendent of the banking department, for salary, five thousand dollars.

Deputy, clerk hire, etc.

For compensation of the deputy superintendent of the banking department, for clerk hire therein, and for furniture, blank and other books, binding, blanks, printing and other necessary expenses of the office of the superintendent of the banking department, twelve thousand dollars.

To be refunded.

The aforesaid salary, compensation, clerk hire and other expenses above mentioned shall be refunded to the treasury of the state by the several banks, banking associations and bankers of this state in whose behalf they are incurred, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one.

INSURANCE DEPARTMENT.

Superintendent.

For the superintendent of the insurance department, for salary, seven thousand dollars.

Deputy, clerk hire, etc.

For compensation of the deputy superintendent of the insurance department, for clerk hire therein, and for furniture, blank and other books, binding, blanks, printing and other necessary expenses of the insurance department, and for compensation of employes and clerks and expenses of examinations of insurance companies, seventy-five thousand dollars, or so much thereof as may be necessary.

To be refunded.

The aforesaid salary, compensation, clerk hire and other expenses of the insurance department, above mentioned, shall be refunded to the treasury of the state by the several insurance companies, associations, persons and agents to whom chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine applies.

STATE ASSESSORS.

State assessors.

For the state assessors, for compensation and traveling expenses, nine thousand dollars.

AUCTIONEERS' ACCOUNTS.

Agent to examine accounts.

For the agent appointed to examine the accounts of the auctioneers, for compensation, one thousand two hundred dollars.

WEIGHTS AND MEASURES.

Supt. of weights and measures.

For the superintendent of weights and measures, for salary, five hundred dollars.

COMMISSIONERS OF QUARANTINE.

Commissioners of quarantine.

For the commissioners of quarantine, for salaries, seven thousand five hundred dollars.

LAND OFFICE.

Expenses of public lands.

For assessments and other expenses of public lands, and for mileage of the speaker of the assembly, for attendance as commissioner of the land office, one thousand dollars.

PUBLIC OFFICES.

Postage and stationery.

For postage on official letters, documents and other matter sent by mail by the governor, secretary of state, comptroller, treasurer, super-

intendent of public instruction, attorney-general, state engineer and surveyor, adjutant-general, inspector-general and clerk of the court of appeals, five thousand dollars; and for stationary for the aforesaid public officers and their departments, four thousand dollars.

CAPITOL.

For repairs, cleaning, labor, gas and other necessary expenses of the capitol, fifteen thousand dollars. Capitol repairs, etc.

For the superintendent of the capitol, for salary, one thousand two hundred dollars. Superintendent.

STATE HALL.

For repairs, cleaning, labor, gas and other necessary expenses of the state hall, eight thousand dollars. State hall repairs, etc.

For the superintendent of the state hall, for salary, one thousand two hundred dollars. Superintendent.

REGENTS OF THE UNIVERSITY.

For the secretary of the regents of the university, for salary, two thousand five hundred dollars. Secretary for salary.

For the assistant secretary of the regents of the university, for salary, two thousand dollars. Assistant.

For the botanist, for compensation for arranging the herbarium in the museum of natural history, one thousand five hundred dollars. Botanist.

For expense of postage, expressage, printing, stationery, visitation, examinations, attendance of regents at meetings of the board, and for compensation of messenger and for office expenses, including clerical aid, four thousand dollars. Postage, etc.

For James Hall, as state geologist, as compensation for authorship, the superintendence of drawings and engravings, for clerk hire and the use of working-rooms, for the arranging, labeling, and distribution of the duplicate fossils and minerals, as fixed by the lieutenant-governor, comptroller and secretary of state, two thousand five hundred dollars. James Hall, state geologist.

STATE LIBRARY.

For the purchase of books for the state library, four thousand dollars, to be paid to the trustees of the state library in semi-annual payments, on vouchers to be approved by the comptroller, on the first of April and first of October. For books, etc.

For binding, lettering and marking books for the state library, two thousand dollars. Binding, etc., of books.

For repairs, cleaning, gas, transportation of books, and other necessary expenses of the state library, two thousand dollars. Repairs, gas, etc.

For the librarian, the assistants and janitor of the state library, for salaries, six thousand eight hundred dollars. Salaries.

STATE MUSEUM OF NATURAL HISTORY AND THE AGRICULTURAL MUSEUM.

For the state museum of natural history, for the salary of the director and three assistants, and for the increase and preservation of the collection, ten thousand dollars. State museum of natural history.

Drawings
for natural
history.

For the persons employed in making drawings for the natural history of the state, for salaries, to be paid in such manner as may be determined by the secretary of state and the secretary of the board of regents, one thousand eight hundred dollars.

Keeper, re-
pairs, etc.

For repairs, cleaning, labor, gas and other necessary expenses of the hall, for the state museum of natural history, including compensation of the keeper, five thousand dollars.

FUEL.

Fuel.

For fuel for the capitol, the state hall, the state library and the hall for the state museum of natural history, five thousand dollars.

AGRICULTURE.

Premiums
to socie-
ties.

For the promotion of agriculture in the state, thirty thousand dollars, ten thousand dollars thereof to be distributed in premiums by the state agricultural society, and the remaining sum of twenty thousand dollars to be so distributed by the state agricultural society to the agricultural societies in counties and to the American Institute in the city of New York, in the ratio prescribed by the act to promote agriculture, passed May fifth, eighteen hundred and forty-one and the act to provide for the distribution of moneys appropriated to promote agriculture, and for other purposes, passed April twelfth, eighteen hundred and forty-eight.

LEGISLATURE.

Compensa-
tion of
members.

For compensation and mileage of members and officers of the legislature, three hundred and sixty-five thousand dollars.

Advances
to clerks
for contin-
gent ex-
penses.

For advances by the comptroller to the clerks of the senate and assembly for contingent expenses, fifteen thousand dollars.

Postage,
expenses
of commit-
tees, etc.

For postage, expenses of committees, compensation of witnesses, legislative manual, Croswell's manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, eighteen thousand dollars.

STATE PRINTING.

Legislative
printing.

For the legislative printing for the state, including binding, mapping, engraving, publication of the official canvass and other official notices, one hundred thousand dollars.

STATE PRISONS.

Mainte-
nance.

For the support and maintenance of the several state prisons, and for material and expenses of manufacturing, pursuant to chapter two hundred and forty of the laws of eighteen hundred and fifty-four, chapter forty-three of the laws of eighteen hundred and sixty-five, and chapter four hundred and fifty-eight of the laws of eighteen hundred and sixty-six, six hundred thousand dollars.

Superin-
tendent's
salary, etc.

For the superintendent of state prisons, for salary, six thousand dollars; for his necessary traveling expenses, one thousand dollars and for necessary clerk hire, one thousand dollars.

Transpor-
tation.

For the compensation of sheriffs for the transportation of convicts to the prisons, asylum for insane convicts, penitentiaries and houses of refuge, twenty thousand dollars.

For supplying Croton water to the Sing Sing prison, one thousand five hundred dollars. Water for Sing Sing.

For supplying water to the Auburn prison and the asylum for insane convicts, two thousand dollars. Water for Auburn.

For the maintenance of convicts sentenced to penitentiaries in pursuance * of chapter one hundred and fifty-eight, of the laws of eighteen hundred and fifty-six; chapter five hundred and eighty-four, of the laws of eighteen hundred and sixty-five; chapter six hundred and sixty-seven, of the laws of eighteen hundred and sixty-six; chapter five hundred and seventy-four, of the laws of eighteen hundred and sixty-nine; chapter two hundred and forty-seven, of the laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one, of the laws of eighteen hundred and seventy-five, thirty thousand dollars. Maintenance of convicts sent to penitentiaries.

For refunding deposits to prison contractors, one thousand dollars. Deposits to prison contractors.

DISCHARGED CONVICTS.

For the maintenance of the state agency for discharged convicts, pursuant to chapter four hundred and twenty-four of the laws of eighteen hundred and seventy-seven, five thousand dollars; and for the state agent, for salary, two thousand five hundred dollars. Maintenance of state agency.

ASYLUM FOR INSANE CONVICTS.

For the support and maintenance of the asylum for insane convicts, twenty-four thousand dollars. Asylum for insane convicts.

STATE ASYLUM FOR LUNATICS.

For the officers of the state asylum for lunatics, for salaries, fifteen thousand dollars. Officers' salaries.

INEBRIATE ASYLUM.

For the treasurer and resident officers of the State Inebriate Asylum, for salaries and allowances, six thousand dollars, or so much thereof as the managers of that asylum shall determine to be necessary, subject to the approval of the comptroller, and for traveling expenses of the trustees of said asylum, six hundred dollars. State Inebriate Asylum.

INDIAN AFFAIRS.

For the payment of annuities to the several Indian tribes, as follows: Annuities.

To the Onondagas, two thousand four hundred and thirty dollars. Onondagas.

To the Cayugas, two thousand three hundred dollars. Cayugas.

To the Senecas, five hundred dollars. Senecas.

To the St. Regis, two thousand one hundred and thirty-one dollars and sixty-seven cents. St. Regis.

For the relief of the Onondaga Indians, three hundred dollars. Relief of Onondagas.

For compensation of the agent of the Onondaga Indians, two hundred dollars.

* So in the original.

Agent, Onondagas.

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred and seventy-eight of the laws of eighteen hundred and forty-seven, and chapter six hundred and thirty-five of the laws of eighteen hundred and sixty-nine, sixty-five dollars, or so much thereof as may be necessary.

For compensation of the agent of the Onondaga Indians on the Allegany and Cattaraugus reservations, one hundred and fifty dollars.

Attorney of St. Regis.

For compensation of the attorney of the St. Regis Indians, one hundred and fifty dollars.

Attorney of Senecas.

For compensation of the attorney of the Seneca Indians, one hundred and fifty dollars.

Attorney of Tonawanda band.

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred and fifty dollars.

ONONDAGA SALT SPRINGS.

Superintendent, clerks, etc.

For the salary of the superintendent, the compensation of clerks and other employes, and other necessary expenses of the Onondaga salt springs, sixty thousand dollars.

NATIONAL GUARD.

National guard, expenses of.

For the expenses of the national guard of the state of New York, three hundred and fifty thousand dollars.

ROADS.

Roads, construction of.

For payment to commissioners, of moneys received into the treasury for taxes on lands of non-residents, appropriated for the construction of roads, six thousand dollars.

COUNTY TREASURERS.

Advances.

For advances to county treasurers, on account of taxes on property of non-residents, which may be returned to the comptroller's office, sixty thousand dollars.

TRANSPORTATION.

Transportation of session laws, etc.

For expenses of transportation of the session laws, journals and documents of the legislature, reports, books and packages by express, from the public offices, and for the expense of boxes therefor, five thousand dollars.

REPAYMENT OF MONEYS.

Redemption of lands.

For repayment of money to purchasers, for redemption of land sold for taxes, fifty thousand dollars.

Taxes erroneously paid.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

Failure of titles.

For repayment of money, in cases of failure of titles to lands sold by the state, three hundred dollars.

Mistake.

For repayment of money paid into the treasury of the state through mistake, five hundred dollars.

MISCELLANEOUS.

Reports for other states.

For supplying other states with reports of the court of appeals and of the supreme court, five hundred dollars.

For expenses, in books and stationery, for the transfer office, at the Manhattan company, New York, two hundred and fifty dollars.

Transfer office.

For compensation of the agent, in the city of New York, to superintend the issue and transfer of state stock, seven hundred and fifty dollars.

Agent for issue and transfer of stock.

For supplying the Deaf Mutes' journal to the deaf and dumb persons in this state, six hundred and fifty dollars. But no legal notices shall be published in said journal.

Deaf mutes journal.

For the expenses of the board of pilot commissioners, New York, four thousand five hundred dollars.

Pilot commissioners-

For the inspector of gas meters, for salary and contingent expenses, two thousand five hundred dollars. But no payment shall be made by the comptroller towards such salary and expenses until an amount equal to such payments shall be received by him from the gas-light companies of this state.

Inspector of gas meters.

For the shore inspectors, for salary, two thousand dollars, pursuant to chapter six hundred and four of the laws of eighteen hundred and seventy five.

Shore inspectors.

For the trustees of Washington's headquarters, at Newburgh, for compensation of superintendent, and for the care, maintenance, repairs and improvement of grounds, one thousand dollars

Washington's headquarters.

DEAF AND DUMB.

For the support and instruction of three hundred and forty pupils at the Institute for Deaf and Dumb, New York, ninety-three thousand five hundred dollars.

Institute for Deaf and Dumb, New York.

For the support and instruction of fifty pupils at the Institution for the Improved Instruction of Deaf Mutes, New York, thirteen thousand seven hundred and fifty dollars.

Inst'n for the Imp'd Instr'n of D'f Mutes, N. Y.

For the support and instruction of forty pupils at Le Conteulx St. Mary's Institution for the Improved Instruction of Deaf Mutes, at Buffalo, eleven thousand dollars.

Le Cou-teulx St-Mary's institution.

For the support and instruction of sixty pupils at the Central New York Institution for Deaf Mutes at Rome, sixteen thousand five hundred dollars.

Central New York Inst'n for D'f Mutes.

For the support and instruction of forty pupils at the St. Joseph's Institution for the Improved Instruction of Deaf Mutes, at Fordham, eleven thousand dollars.

St. Jos. Inst'n for Imp'd Instr'n of D'f Mutes

For the support and instruction of sixty-five pupils at the Western New York Institution for Deaf Mutes, at Rochester, seventeen thousand eight hundred and seventy-five dollars.

Western N. Y. Institution for Deaf Mutes.

A proportionate amount for a shorter period of time than one year, or for a smaller number of pupils in each case, shall be allowed in each of the last six items, to be paid by the comptroller, upon the certificate, verified by the oath, of the president and secretary of such institution, and the approval of the superintendent of public instruction.

Proportionate amount for shorter period.

THOMAS ASYLUM.

For the Thomas Asylum for Orphan and Destitute Indian Children, for the education and maintenance of one hundred children, at the rate of eighty-five dollars per capita, eight thousand five hundred dollars.

Thomas asylum.

BLIND.

Pupils at
New York
Institution
for the
Blind.

For the support and instruction of one hundred and eighty pupils, for one year, at the Institution for the Blind, in New York, forty-nine thousand five hundred dollars, or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by affidavits of the president and secretary of the institution.

JUVENILE DELINQUENTS.

Society for
the Reform-
ation of
Juvenile
Delinquents
New York
city.

For the Society for the Reformation of Juvenile Delinquents in the city of New York, forty thousand dollars.

WESTERN HOUSE OF REFUGE.

Western
House of
Refuge.

For the Western House of Refuge for Juvenile Delinquents, seventy thousand dollars.

IDIOT ASYLUM.

State Idiot
Asylum.

For the State Asylum for Idiots, forty-five thousand dollars.

WILLARD ASYLUM.

Officers.
Willard
Asylum
for Insane.

For the officers of the Willard Asylum for the Insane, for salaries, eleven thousand eight hundred and fifty dollars. For the support of Mark Jack, an insane Indian, and of Susan Green, an insane Indian woman, at the asylum, five hundred dollars.

HUDSON RIVER STATE HOSPITAL.

Officers of
Hudson
River State
Hospital.

For the officers of the Hudson River State Hospital for the Insane for salaries, eight thousand dollars.

STATE HOMŒOPATHIC ASYLUM.

Officers of
State Hom-
œopathic
Asylum.

For the officers of the State Homœopathic Asylum for the Insane, for salaries, eight thousand dollars.

INSTITUTION FOR THE BLIND.

Institu-
tion for
the Blind,
Batavia.

For the maintenance of the Institution for the Blind, at Batavia, thirty-five thousand dollars.

STATE BOARD OF CHARITIES.

State com-
missioner
in lunacy.

For the state commissioner in lunacy, for salary, four thousand dollars; and for his traveling and other incidental necessary expenses, one thousand dollars, or so much thereof as may be necessary.

Secretary,
for salary,
etc.

For the secretary of the state board of charities, for salary, three thousand five hundred dollars; and for the traveling expenses of the commissioners and secretary and for office expenses, clerk hire and contingent expenses, four thousand dollars.

State
paupers.

For the support and care of state paupers, twenty-five thousand dollars.

PAYABLE FROM THE FREE SCHOOL FUND.

Common
schools.

For the support of the common schools of this state, two million seven hundred and fifty thousand dollars.

For the state normal school at Albany, for its maintenance, eighteen thousand dollars.	Normal school, Albany.
For the state normal and training schools at Buffalo, Brockport, Cortland, Fredonia, Geneseo, Oswego and Potsdam, for their maintenance, to each of them, eighteen thousand dollars.	Normal and training schools.
For the maintenance of the Teachers' Institute pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, eighteen thousand dollars.	Teachers' Institutes.

PAYABLE FROM SCHOOL FUND—REVENUE.

For dividends to common schools, one hundred and seventy thousand dollars.	Common schools.
For the support of Indian schools, five thousand dollars.	Indian schools.
For refunding money paid into the treasury for redemption of lands sold for arrears of consideration, five hundred dollars.	Refunding moneys.
For refunding surplus moneys received on resales of lands, five hundred dollars.	
For expenses of lands, two hundred dollars.	Expenses of lands.

PAYABLE FROM THE LITERATURE FUND.

For dividends to academies, twelve thousand dollars.	Academies.
For the purchase of text books, maps and globes, philosophical and chemical apparatus for academies, three thousand dollars.	Text books, etc.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND — CAPITAL

For investment of the capital of the United States deposit fund, one hundred thousand dollars, or so much thereof as may be necessary.	United States deposit fund investments.
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REVENUE.

For dividends to common schools, including the salaries of the county school commissioners, one hundred and sixty-five thousand dollars.	Common schools.
For dividends to academies, twenty-eight thousand dollars.	Academies.
For amount to be added to the capital of the school fund, twenty-five thousand dollars.	School fund.
For instruction of common school teachers in the academies and union schools designated by the regents of the university, thirty thousand dollars, and for establishing and conducting examinations, five thousand dollars.	Common school teachers.
For refunding money erroneously paid into the treasury one thousand dollars.	Refunding moneys.

PAYABLE FROM THE COLLEGE LAND SCRIP FUND — REVENUE.

For the Cornell University, twenty-five thousand dollars.	Cornell University.
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PAYABLE FROM THE CORNELL ENDOWMENT FUND — REVENUE.

For the Cornell University, eight thousand dollars.

PAYABLE FROM THE MILITARY RECORD FUND — REVENUE.

For the expenses of the bureau of military statistics, three thousand dollars.	Bureau of military statistics.
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PAYABLE FROM THE ELMIRA FEMALE COLLEGE EDUCATIONAL FUND
— REVENUE.

Elmira
Female
College.
Treasurer
to pay ap-
propria-
tions.
Comp-
troller to
draw his
warrant.

For the Elmira Female College, three thousand five hundred dollars.

Verifica-
tion of
accounts.

Treasurer
to report
to legisla-
ture.

The amounts herein appropriated shall be paid by the treasurer from the respective funds as specified, and the salaries named shall be established and fixed by this act for the several officers for whom they are designed ; but the comptroller shall not draw his warrant for the payment of the several amounts heretofore named, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the persons demanding them shall present to him a detailed statement, in items, of the same ; and if such account shall be for services it must show when, where and under what authority they were rendered ; if for expenditures, when where and under what authority they were made ; if for articles furnished, when and where they were furnished, to whom they were delivered and under what authority ; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the place of starting and destination, the duty or business, and the dates and items of expenditure. All accounts must be verified by an affidavit, to the effect that the account is true, just and correct, and that no part of it has been paid, but is actually and justly due and owing. On all accounts for transportation, furniture, blank and other books, purchased for the use of office, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must also be furnished ; and it shall be the duty of the treasurer to report annually to the legislature the details of these several expenditures.

CHAP. 30.

AN ACT to amend article third of title three of chapter six of the second part of the Revised Statutes, entitled "of the duties of executors and administrators in rendering an account and in making distribution to the next of kin."

PASSED February 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The seventy-second section of article third of title third of chapter six of the second part of the Revised Statutes is hereby amended so as to read as follows :

Specific
personal
property
to be dis-
tributed in
lieu of
money.

§ 72. In such order the surrogate may direct the delivery of any personal property, which shall not have been sold and the assignment of any mortgages, bonds, stocks, notes or choses in action or other demands, among those entitled to payment or distribution in lieu of so much money as such property or securities may be worth, to be ascertained by the appraisement and oath of such persons as the surrogate shall appoint for that purpose, in the following cases :

1. If the parties who shall have appeared consent, in writing thereto. If parties consent.

2. Or if it appears that a sale thereof for the purpose of payment or distribution would cause a loss to the parties entitled thereto. If sale thereof would cause loss.

§ 2. This act shall take effect immediately.

CHAP. 31.

AN ACT to provide means for the ordinary repairs of the canals for the calendar year of eighteen hundred and seventy-eight in case the revenues shall be insufficient to meet the appropriations for that purpose.

PASSED February 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. A portion of the sum of four hundred thousand dollars appropriated by section five of chapter four hundred and twenty-five of the laws of eighteen hundred and seventy-six, for deepening the Erie canal, to wit: a sum not exceeding three hundred thousand dollars, or so much thereof as shall be necessary, is hereby appropriated to make good any failure in the revenues to meet the appropriations for the ordinary repairs of the canals for the fiscal years ending the thirtieth of September, and commencing the first of October, one thousand eight hundred and seventy-eight, the said sum of three hundred thousand dollars hereby temporarily appropriated shall be replaced in the original fund for deepening the water way of the Erie canal, from the revenues of the canals for the current fiscal year. Appropriation.

§ 2. This act shall take effect immediately.

CHAP. 32.

AN ACT to authorize the payment of certain moneys out of the state treasury to Hamilton B. Russell, administrator of Mary McDonald, deceased, heir at law and next of kin of Edward Gleason, deceased.

PASSED February 25, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The comptroller is hereby directed to draw his warrant upon the treasurer for the payment of the sum of three thousand two hundred and five dollars and sixty-nine cents, and the treasurer to pay the same to Hamilton B. Russell, administrator of Mary McDonald, deceased, heir at law and next of kin of Edward Gleason, deceased, late of Oyster Bay, Queens county, New York, pursuant to an order of the supreme court granted at a special term thereof, held at the Comptroller to draw his warrant on treasurer for \$3,205.-69.

Appropriation.

city of Albany, New York, October thirtieth, eighteen hundred and seventy-seven, and duly filed in the clerk's office of said Albany county, on said thirtieth day of October, eighteen hundred and seventy-seven, "In the matter of the application of Hamilton B. Russell, administrator of Mary McDonald, deceased, heir and next of kin of Edward Gleason, deceased, for the payment of moneys in the hands of the treasurer of the state of New York." The said sum of three thousand two hundred and five dollars and sixty-nine cents is hereby appropriated for that purpose, payable out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect immediately.

CHAP. 33.

AN ACT to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled "An act for the further protection of female employees in the city of New York."

PASSED February 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled, "An act for the further protection of female employees in the city of New York," is hereby amended so as to read as follows :

Damages not exceeding fifty dollars no property exempt from execution.

§ 1. No property now exempt by law shall be exempt from levy or sale, under an execution, issued upon a judgment obtained in any court in the city of New York for work, labor, or services done or performed by any female employe when the amount of such judgment does not exceed the sum of fifty dollars exclusive of costs.

§ 2. Section two of said act is hereby amended, so as to read as follows :

In certain cases execution to issue against body.

§ 2. Whenever any execution issued upon a judgment as aforesaid shall be returned unsatisfied, the clerk of the court wherein such judgment was obtained shall issue a further execution to any marshal of the city of New York commanding him to collect the amount due upon such judgment, or in default of judgment thereof, to arrest the defendant in such execution and him safely convey to the jail or debtors' prison of the county of New York, and commanding the jailor of said jail to keep the said defendant without benefit of jail limits until the said defendant shall pay the said judgment, or be discharged according to law, but such imprisonment shall in no case extend beyond the period of fifteen days.

§ 3. This act shall not apply to any action, or proceeding already commenced.

§ 4. This act shall take effect immediately.

CHAP. 34.

AN ACT to repeal chapter three hundred and eighty-eight of the laws of eighteen hundred and thirty seven, entitled "An act to incorporate the Leicester Bridge Company."

PASSED February 27, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and eighty-eight of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Leicester Bridge Company" is hereby repealed, provided, however, that this act shall not affect any right or rights of action now existing.

§ 2. This act shall take effect immediately.

CHAP. 35.

AN ACT granting free passage, through toll-gates and over toll-bridges and ferries, to the national guard.

PASSED February 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any member or members of the national guard of this state, when in uniform, going to or returning from any parade, encampment, drill or meeting, which he or they may be required to attend in compliance with orders from any competent authority, shall, together with such conveyance or conveyances or military property of the state, as he or they may be in charge of, be allowed, without any hindrance or delay, to pass free through all toll-gates and over all toll-bridges and ferries within the state.

Free passage through toll-gates, etc., granted.

§ 2. Any toll-gate or toll-bridge keeper or any ferry master, or any other person or persons, who may be in charge of any toll-gate, toll-bridge or ferry, who shall willfully hinder or delay any member or members of the national guard, or shall refuse free passage to such member or members of the national guard, who shall be acting under the provisions of the first section of this act, shall be guilty of a misdemeanor, and on conviction be fined no less than ten dollars and no more than twenty dollars or be imprisoned no less than five days and no more than ten days.

Penalty for refusing, etc.

§ 3. This act shall take effect immediately.

CHAP. 36.

AN ACT to repeal a certain portion of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-seven, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

PASSED February 28, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appropriation for payment of canal certificates given to Howard Soule, Jr., repealed.

SECTION 1. So much of chapter two hundred and seventy-five of the laws of eighteen hundred and seventy-seven, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations" as is contained in the following words, to wit: "Payable from the canal repair fund, to be paid out of the treasury on the warrant of the auditor of the canal department, for the payment of canal certificates, with interest thereon, given by the late canal commissioner of the middle division of the canals, in eighteen hundred and seventy-five, to Howard Soule, Junior, addressed to the auditor of the canal department, for work done and materials furnished in constructing swing and foot bridges over the Erie canal at Salina street, in the city of Syracuse and in the approaches thereto, which was authorized by chapter three hundred and eighty-one of the laws of eighteen hundred and seventy-four, the sum of eighteen thousand two hundred and fifty-six dollars, or so much thereof as may be necessary; this appropriation is in lieu of one for like purpose made in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-six, but which has not been paid," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 37.

AN ACT in relation to coroners' fees, their term of office and post-mortem examinations in Albany county.

PASSED February 28, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Coroners, number and term of office of.

Salary of.

Present incumbents, to serve for term elected, etc.

SECTION 1. There shall be hereafter elected in the county of Albany four coroners, who shall hold their office for the term of three years each.

§ 2. Such coroners shall receive the annual salary of twelve hundred dollars each, and shall receive no other fees, perquisites, allowances or emoluments whatever except when acting as or in the place of the sheriff of said county, than the salaries above mentioned.

§ 3. The persons now holding the office of coroner in said county shall continue to serve for the term for which they were respectively

elected, and nothing herein contained shall be construed so as to affect their fees and emoluments as now allowed by law.

§ 4. Said coroners to be hereafter elected shall be so elected that their several terms of office shall commence at the expiration of the terms of office of the several coroners now holding said office in the said county of Albany. Com-
mence-
ment of
terms of
office.

§ 5. The board of supervisors of Albany county shall, at their annual session in each and every year, choose four physicians of good standing, and properly qualified to attend any and all post-mortem examinations held by any of said coroners, or any of the present incumbents of said office, whenever required by the coroner holding such examinations, and said board shall fix the compensation of said physicians, and when fixed shall not be changed during the year for which they are chosen, and no other bill or account of physicians for post-mortem examination shall be audited or allowed by said board after such choice of physicians, except as hereinafter provided. Said physicians shall be chosen by ballot; each, and every supervisor of said county shall have the privilege of casting a vote for one candidate only, and the four candidates having the greatest number of votes shall be declared elected. Physicians
to attend
post-mor-
tem exam-
inations,
appoint-
ment of.

§ 6. The said compensation for said physicians shall be audited at each annual session of the board of supervisors, on the sworn statement of said physicians as to the services rendered, and in case said physicians, or either of them, neglect or refuse to attend any post-mortem examination when required by the coroner holding the same, or attending, shall refuse to make such examination, said coroner may call upon any other competent physician to perform the duties of said post-mortem physician in that case or examination, and the said coroner shall make a return of said matter under oath to the board of supervisors at their next annual session, and thereupon the board of supervisors may audit and allow a proper and reasonable sum to said physician so called upon for his said services, which said sum shall be deducted and kept out from the amount otherwise payable to such post-mortem physicians. Compensa-
tion of.

§ 7. All acts or parts of acts inconsistent with this act are hereby repealed. Repeal.

CHAP. 38.

AN ACT to amend chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the fire department of the village of Rome, Oneida county."

PASSED February 28, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-five, entitled "An act to incorporate the fire department of the village of Rome, Oneida county," is hereby amended so as to read as follows :

Corpora-
tors.

Corporate
name and
powers.

Assistant
engineers,
how
chosen
and elect-
ed.

When
assistants
shall pre-
side at
meetings.

Secretary
and treas-
urer, when
and how
chosen.
Vacancies
in office,
how filled.

Board of
directors,
their
powers
and duties.

§ 1. All persons who now are or hereafter shall become members of the fire, hook and ladder and hose companies, not exceeding forty in number to each company, of the city of Rome, Oneida county, by appointment of the common council of the city of Rome, as hereinafter provided, shall be and are hereby ordained and constituted a body politic and corporate in fact and in name, by the name and style of the "fire department of the city of Rome," and by that name they and their successors shall have perpetual succession, and shall have a common seal, and shall be persons in law capable of suing and being sued in the courts of this state, by or in the name of the office of the chief engineer as president of the said fire department; also that they and their successors, by the name of the fire department of the city of Rome, shall be in law capable of purchasing, conveying and holding any estate, real or personal, for the use of said corporation, provided the amount of real and personal estate so held shall not exceed the sum of twenty thousand dollars.

§ 2. Section three of said act is hereby amended to read as follows:

§ 3. The assistant engineers shall be designated as the first and second assistants, and shall be chosen from either fire company existing in said city; that company having the precedence of choice who shall make out the largest list of actual and regular members in good standing belonging to said company, and report the same to the board of directors of the fire department, which said report shall be accompanied with the affidavit of the foreman of said company, that it is correct and true; and both assistant engineers shall be balloted for at the annual election of the officers, in the same manner and at the same time of the choosing of the chief engineer and board of directors; and in case other fire companies are organized in said city hereafter, the same rule shall be applied to the election of the first assistant engineer, but the second assistant engineer may be chosen from any one of the other fire companies duly organized and existing in said city at the time of said election. In the absence of the chief engineer the first assistant engineer shall preside at all meetings of the department and board of directors, and in the absence of both the chief engineer and the first assistant, then the second assistant shall so preside.

§ 3. Section four of said act is hereby amended to read as follows:

§ 4. The said board of directors shall, within two weeks after their election or appointment, choose out of their own number a secretary, treasurer and collector; and in case of any vacancy in the office of chief engineer, it shall be filled at an annual or special meeting; if at a special meeting, it shall be called by the secretary of the board of directors under the direction of said board; and in case of any vacancy in said board of directors, other than that of chief engineer or assistants, the same shall be filled by the company in which such vacancy occurs.

§ 4. Section five of said act is hereby amended to read as follows:

§ 5. A majority of said board shall constitute a quorum, and shall have full power, and it shall be their duty, to make and prescribe such laws and regulations, not inconsistent with the laws of this state, as they shall deem necessary for the proper management of the affairs and disposition of the funds of said corporation, and shall have power to appoint such meetings of said fire department (other than the annual meeting) as they shall deem advisable; and the said board shall have power to re-

ceive all moneys granted or appropriated to and for the use and benefit of said department, or to and for the use and benefit of any one of the companies comprising said department, by any law of this state, or by the corporate authorities of said city of Rome; also, all gifts, grants, donations or bequests given or made to them, and use and dispose of the same for the benefit of the said department as they shall see fit; and it shall be the duty of said board to appoint at least one day in each and every year for a general review of said fire department and to designate at least five days in each year, between the months of April and November, for each of the companies comprising this department for drill and exercise, with their fire engines and other implements for the extinguishment of fire; and said board may affix such penalties for neglect to attend such general review and drills, or other omissions of duty as firemen, as they shall deem expedient and necessary to secure efficiency and discipline in the companies comprising said department; and all penalties incurred may be collected by action, by or in the name of the chief engineer as president of said department, or in the name of said department, before any justice of the peace, and when collected shall be paid to the treasurer of the department for the use of said department; and shall have power to appoint all firemen to fill the several companies constituting said department, and to make such assessments upon the various companies comprising this department as they shall deem necessary to carry out the objects of their incorporation.

§ 5. Section six of said act is hereby amended to read as follows :

§ 6. Every member of this department shall be appointed and may be removed by a resolution of the common council of the city of Rome; and the evidence of such membership shall be a certificate, signed by the mayor of said city, the chief engineer of the department and foreman of the company to which said person shall be appointed, and bearing the seal of this corporation, and dated not more than six months previous to the time of its being offered as such evidence.

Members,
how ap-
pointed
and re-
moved.
Evidence
of mem-
bership.

§ 6. Section seven of said act is hereby amended to read as follows :

§ 7. A certificate signed by the mayor of the city, the chief engineer and foreman of the company to which any member of this department belonged, and bearing the seal of this corporation, declaring the term of time the said member has served as fireman in this corporation, or that the term of service of said members, as required by the laws of this state, has been fully completed, shall be sufficient evidence to all the privileges and exemptions secured to firemen by the laws of the state.

Evidence
of exemp-
tion.

§ 7. Section eight of said act is hereby amended to read as follows :

§ 8. All provisions in the charter, ordinances or by-laws of the corporation of the city of Rome, in relation to its fire department, inconsistent with this act, are hereby repealed; and the legislature may, at any time, modify or repeal this act.

Repeal.

§ 8. The act, as hereby amended, shall be known as an act to incorporate the fire department of the city of Rome, Oneida county.

Title of act
amended.

§ 9. This act shall take effect immediately.

CHAP. 39.

AN ACT to amend chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An Act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county on said river, passed May tenth, eighteen hundred and seventy-one.'"

PASSED February 28, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter eight hundred and fifty-seven of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'an act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same over the Hudson river at a point or points between the city of Poughkeepsie, and the town of Lloyd, Ulster county on said river, passed May tenth, eighteen hundred and seventy-one,'" is hereby amended so as to read as follows :

Time for
completion
extended.

§ 2. The time limited in the first section of said act for the commencement of said bridge is hereby extended to January first eighteen hundred and seventy-four, and the time limited therein for the completion of said bridge and opening the same for use is hereby extended to January first, eighteen hundred and eighty-one.

CHAP. 40.

AN ACT to provide for the appointment and compensation of deputies and clerks in the attorney-general's office.

PASSED February 28, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Deputies
and clerks,
appoint-
ment and
salaries of.

SECTION 1. The attorney-general may appoint for the duties of his office two deputies to be designated as first and second ; two clerks, and one messenger, who shall severally be paid the following annual salaries : the deputies four thousand dollars each, the clerks two thousand dollars each, and the messenger who shall also perform the duties of clerk when required by the attorney-general, the sum of one thousand dollars, all of said salaries to be payable monthly. Any officer herein before authorized to be appointed may be removed by the attorney-general at pleasure and another appointed in his stead.

Removal
of.

Repeal.

§ 2. All provisions of law inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 41.

AN ACT to legalize and confirm the official acts of George E. Van Derburgh, a justice of the peace of the town of Mamaroneck in the county of Westchester.

PASSED March 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

SECTION 1. All the official acts and proceedings by or before George E. Van Derburgh, as a justice of the peace in and for the town of Mamaroneck, in the county of Westchester, since the first day of January eighteen hundred and seventy-six, are hereby made as legal and valid as they would have been had the said George E. Van Derburgh taken, subscribed and deposited the oath of office within the time required by law. Acts as justice of the peace legalized.

§ 2. This act shall not affect any action or legal proceeding now pending. Proviso.

§ 3. This act shall take effect immediately.

CHAP. 42.

AN ACT in relation to the fees of the collector of the town of New Paltz in Ulster county.

PASSED March 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The collector of the town of New Paltz in Ulster county shall designate some convenient place in the village of New Paltz in said town in his notice required to be given by him for thirty days of the time and place he will attend to receive payment of taxes pursuant to section twenty-nine of chapter one hundred and eighty of the laws of eighteen hundred and forty-five, and during said thirty days any person may pay his taxes without paying any fees on the same, and the collector is prohibited from asking, demanding or receiving any percentage or fees on taxes paid within said time. The collector of said town is hereby allowed the sum of fifty dollars in payment for his services in receiving payment of taxes within said thirty days and the board of supervisors is required to provide for the payment thereof by causing said amount to be levied and assessed on said town in the annual tax levy. Collector to receive taxes for thirty days without fees.

§ 2. This act shall take effect immediately. Compensation of collector.

CHAP. 43.

AN ACT to amend chapter three hundred and twenty-four of the laws of one thousand eight hundred and sixty-nine, entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill," and the acts amendatory thereof.

PASSED March 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fourth section of chapter three hundred and twenty-four of the laws of one thousand eight hundred and sixty-nine, entitled "An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill," is hereby amended so as to read as follows :

Office of
receiver of
taxes, how
located.

Office
hours.

§ 4. The said receiver shall have an office in the village of Peekskill, to be designated and located annually by a joint board composed of the supervisor and town clerk of the town of Cortlandt and the president of the village of Peekskill for the receipt of taxes and assessments ; such office shall be kept open for the receipt of taxes on each and every day, Sundays and public holidays excepted, from eight o'clock in the morning until three o'clock in the afternoon.

§ 2. The seventh section of said act is hereby amended so as to read as follows :

Salary, and
how paya-
ble.

§ 7. The percentage upon taxes paid to and collected by the said receiver shall be his salary, and shall be paid to said receiver upon the order of the supervisor of the town of Cortlandt, and the president of the village of Peekskill, upon the production by said receiver to said supervisor and said president, of a certificate from the proper authorities, that the bonds required by section three of this act have been discharged in the manner prescribed by statute. And such receiver shall not be entitled to have or receive any percentage upon taxes returned by him as unpaid.

3. This * shall take effect at the expiration of the term of office of the present incumbent.

CHAP. 44.

AN ACT to amend chapter three hundred and forty-four of the laws of eighteen hundred and seventy-seven, entitled "An act to authorize railroad corporations to pay commutation money for highway labor, to the commissioners of highways of towns."

PASSED March 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and forty-four of the laws of eighteen hundred and seventy-seven, entitled "An act to

* So in the original.

authorize railroad corporations to pay commutation money for highway labor, to the commissioners of highways of towns," is hereby amended so as to read as follows:

§ 1. Whenever any railroad corporation assessed in any town or road district for highway labor shall elect to commute therefor, as provided by law, such corporation shall pay the commutation money to the commissioner or commissioners of highways of such town, and such moneys shall be applied and expended in the improvement of the roads and building and maintenance of bridges in such town. .

Commuta-
tion
money to
whom
paid and
how ap-
plied.

§ 2. This act shall take effect immediately.

CHAP. 45.

AN ACT to legalize the proceedings of The Livingston Town Insurance Company in the county of Columbia.

PASSED March 7, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The several boards of directors chosen at the annual meetings of The Livingston Town Insurance Company, in the county of Columbia, held on and after the first Tuesday of January, eighteen hundred and sixty-six, until the second Tuesday of January, eighteen hundred and seventy-eight, be deemed the legally elected directors of said company.

Directors,
election
of, legal-
ized.

§ 2. The several policies as made, executed and issued by the said several boards of directors in the preceding section named, are hereby legalized, in all respects, as to the time and manner of holding said several annual meetings and elections, and all other acts and proceedings of said several boards of directors, not inconsistent with the general act incorporating town insurance companies and the acts amendatory thereto, be and the same are hereby ratified and affirmed.

Policies is-
sued by
directors,
etc., legal-
ized.

CHAP. 46.

AN ACT establishing a ferry from Foot's Point in the town of Crown Point, county of Essex, across Lake Champlain to Port Franklin, so called, in the town of Bridport, state of Vermont.

PASSED March 7, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for Lewis Wilkinson, his heirs or assigns, to set up and maintain a ferry from Foot's Point in the town of Crown Point, county of Essex, state of New York, across Lake Champlain to Port Franklin, in the town of Bridport, in the state of Vermont, for the term of ten years from the passage of this act.

Ferry
author-
ized.

Term of.

Suitable
and safe
boats to be
provided
and kept.

§ 2. If the said Lewis Wilkinson, his heirs or assigns, shall set up a ferry as aforesaid, it shall be his and their duty during the time aforesaid, to keep and maintain suitable and safe ferry boats capable of carrying carriages, horses, cattle and passengers, and ready at all reasonable times and seasons to transport the same across said lake.

Rates of
ferriage,
etc.

§ 3. The county court of the county of Essex shall annually, in the month of May, determine the several rates of ferriage to be charged on such ferry and the hours of the day during which boats belonging to said ferry shall be kept in readiness.

Penalty
for exact-
ing or re-
ceiving
illegal
ferriage.

§ 4. If the said Lewis Wilkinson, his heirs or assigns, or any person employed by him or them, shall exact or receive any higher rate of ferriage than shall be determined as aforesaid, the person or persons so offending shall forfeit and pay for every such offense the sum of five dollars to be recovered with costs of said suit before any justice of the peace within the state by any person who shall sue for the same.

When
franchise
forfeited.

§ 5. If at any time it shall appear, upon sufficient evidence to the county court of the county of Essex that the said Lewis Wilkinson, his heirs or assigns, have willfully neglected to comply with the directions of this act in keeping and maintaining the ferry as aforesaid, it may adjudge and declare that all the privileges granted to them by virtue of this act shall cease and be of no effect.

§ 6. This act shall take effect immediately.

CHAP. 47.

AN ACT in relation to the powers and duties of the state commissioner in lunacy.

PASSED March 11, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Stenog-
rapher
may be em-
ployed.

Charges
of, how
paid.

SECTION 1. The state commissioner in lunacy is hereby empowered to employ a stenographer, whenever any testimony is to be taken before him in the discharge of his official duties; and the charges of such stenographer shall be paid by the comptroller upon presentation of vouchers duly attested, provided such charges shall not exceed ten dollars per day for the time actually employed, nor one thousand dollars in any one year in the aggregate.

Investiga-
tion of
asylums,
etc., to
notify dis-
trict attor-
ney of.

District at-
torney,
duty of.

§ 2. Whenever the said commissioner shall undertake any investigation into the general management and administration of any asylum, institution or establishment, public or private, for the custody of the insane, he shall give due notice thereof to the district attorney of the county in which such asylum or institution is situated, and it shall, thereupon, be the duty of such district attorney to appear at such investigation in behalf of the people, and to examine all witnesses who may be in attendance thereat.

§ 3. This act shall take effect immediately.

CHAP. 48.

AN ACT to authorize the transfer to the state of the Soldiers' Home, and the appointment of a board of trustees for its completion and control.

PASSED March 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Grand Army of the Republic Soldiers' Home of New York, a corporation organized pursuant to chapter two hundred and seventy, of the laws of eighteen hundred and seventy-six, is hereby authorized and empowered to transfer and convey by deed and bill of sale, all its real and personal property, wherever situated, to the state of New York, the deed conveying its real estate to be executed under the hands and seals of its president and secretary, or the seal of the corporation, if it has one, duly acknowledged, and to be recorded in the clerk's office of the county in which the property is situated, and the bill of sale of its personal property to be executed in like manner, and to be filed in the office of the secretary of state.

Convey-
ance to the
state au-
thorized.

§ 2. Upon the due execution (within one year from the passage of this act) of such deed and bill of sale, and upon such recording and filing thereof, and upon its being made to appear to the satisfaction of the comptroller of this state that the contracts then existing for the erection of buildings on such real estate, for the purposes of said corporation, have been made with a due regard to economy and fitness, and are such as the comptroller shall approve, which approval shall be in writing and transmitted to the governor for his information, the governor shall nominate and, by and with the advice and consent of the senate, appoint nine reputable citizens of this state as a board of trustees for the completion, management and control of said Soldiers' Home, of which board the governor and attorney-general shall be ex-officio members. Three of the trustees so appointed shall hold office for three years, three for two years, and three for one year, from and after the fifteenth day of January next preceding the day of their appointment; and annually thereafter, on or before the fifteenth day of January, three like citizens of this state shall be appointed trustees of said Soldiers' Home in the place of those whose terms of office are so to expire, in like manner as the original nine are to be appointed; but the term of office of no trustee shall be deemed to have expired until his successor shall have been appointed and qualified. All vacancies occurring in said board by resignation, death, removal from the state or otherwise, shall be filled by the governor in like manner as the original nine trustees shall be appointed.

Trustees,
when and
how ap-
pointed.

Ex-officio
members.

Terms of
office of
trustees.

Vacancies
in board
of, how
filled.

§ 3. Said trustees shall receive no compensation for their services as such trustees or otherwise, except their actual and necessary traveling expenses incurred in attending the meetings of the board or in the discharge of any duty connected therewith as may be imposed on them by direction of the board of trustees or by law. But the trustee who may be elected to act as the secretary may receive a reasonable compensation for his services, to be fixed by the board with the approval of the comptroller, not to exceed the sum of two hundred and fifty

Compensa-
tion.

No trustee to be interested in contracts.	dollars. No trustee shall be interested in any contract for the construction or furnishing of any of the buildings of said corporation or in furnishing supplies for use or consumption therein; and any contract made wherein any trustee shall be interested, directly or indirectly, shall be void, and any trustee so becoming interested or making any contract wherein he shall have any pecuniary interest, direct or indirect, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding five hundred dollars or imprisonment in a county jail not exceeding three months, or both in the discretion of the court.
Penalty.	
Notice of appointment, etc.	§ 4. The secretary of state, within ten days after the appointment of said trustees as hereinbefore provided, shall notify them by letter of their appointment, and invite them to meet at a specified day and hour, not less than ten days nor more than fifteen days from the time of giving such notice, at the office of the secretary of state in the city of Albany, for the purpose of organization; at which time the said trustees shall by lot determine their respective terms of office in such way as a majority of them may agree upon. The secretary of state shall act in such drawing for such trustees as may not be present. Upon taking the oath of office before the secretary of state the said trustees in conjunction with ex-officio members and annually thereafter, shall proceed to elect by ballot a president, a secretary and treasurer; the offices of the latter two being joined in one trustee or held separately by two as the board may determine, and an executive committee.
Terms of office, how determined.	When so organized the said board shall be known as the board of trustees of the New York State Soldiers and Sailors' Home.
Officers, election, of.	§ 5. Said board of trustees shall at once take possession of all the property of said corporation so conveyed to the state and proceed to complete the buildings already begun or hereafter to be erected, and have them ready for occupation, with all suitable dispatch, with any funds appropriated therefor, or which may come into their hands for such purpose, and shall pay any existing indebtedness of said corporation which shall be or may become a lien thereon. Said board shall have power to make contracts in their name for work and materials for the completion of buildings on said property, the furnishing thereof, and the furnishing of supplies for use and consumption therein, but shall expend no more money or incur any indebtedness for such purposes beyond the appropriation previously made therefor by the legislature, and shall also have power to adopt and establish such rules and regulations specifying the duties of its officers and for the government of its inmates, fixing the terms and conditions of admission to said home and prescribing the causes and manner of expulsion therefrom, as may by them be deemed necessary. But no such contract shall be entered into, and no such rules and regulations shall be operative until the same shall have been submitted to and approved by the comptroller; and they may require and take in their name any security by way of bond, or otherwise, from any person appointed or elected by them, and their sureties for the faithful performance of the duties for which the appointment or election is made or had, and for truly accounting for all moneys or property received by such person on account of such trustees.
Corporate name.	
Trustees to complete buildings.	
Contracts.	
Rules and regulations.	
Approval of, by comptroller.	
Appointees, security may be required of.	
Persons entitled to admission.	§ 6. Every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, who enlisted from the state of New York or who shall have been a resident

of this state for one year preceding his application for admission, and who shall need the aid or benefit of said home, in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission to said home, subject to the conditions, limitations and penalties, prescribed by the rules and regulations adopted by the board.

§ 7. The said board shall annually on or before the fifteenth day of January, in each year, make to the legislature a detailed report of all its receipts and expenditures and of all its proceedings for the previous year, together with full estimates for the coming year, verified on oath by the president and treasurer and shall make such other and further reports as the legislature may from time to time require.

Annual report to legislature.

§ 8. This act shall take effect immediately.

CHAP. 49.

AN ACT in relation to noxious weeds and brush in public highways.

PASSED March 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of every person or corporation, owning or occupying under a lease for one or more years, any cultivated or inclosed lands abutting upon any highway, to cause all noxious weeds, briars and brush, growing upon said lands, within the bounds of said highway, to be cut or destroyed between the fifteenth day of June, and the first day of July, and between the fifteenth day of August and the first day of September, in each and every year. But boards of supervisors may fix a different period, or periods, for such cutting or destruction in their respective counties. This section shall not be construed to restrict any of the powers heretofore conferred upon boards of supervisors.

Noxious weeds, etc., to be destroyed.

§ 2. It shall be unlawful for any person to place or cause to be placed any noxious weeds, or the seeds of such weeds, within the bounds of any public highway.

Weeds, or seeds of, not to be placed upon highways.

§ 3. Any willful neglect or refusal to comply with the provisions of section one of this act, or any willful violation of section two of this act, shall subject the person or corporation so offending to a penalty of ten dollars and costs in and for each road district in which any of such provisions shall be violated, to be sued for by the commissioner or commissioners of highways of the town wherein said road districts shall be situate, or by the street commissioner of villages, when such village constitutes a separate road district, and recovered before any justice of the peace having jurisdiction; said fine, when collected, to be paid into the highway fund of such town or village.

Penalty.

Fine, how applied.

§ 4. It shall be the duty of commissioners of highways of towns or street commissioner of villages to prosecute every person or corporation violating any of the provisions of this act in their respective towns or villages, and to include in each annual report of such commissioners a detailed statement of all fines recovered under the provisions of this act.

Duties of commissioners.

CHAP. 50.

AN ACT to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled “An act to amend an act passed May third, eighteen hundred and seventy, entitled ‘An act to amend an act to incorporate the city of Troy’” passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.

PASSED March 11, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of title two of chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled “An act to amend an act passed May third, eighteen hundred and seventy, entitled ‘An act to amend an act to incorporate the city of Troy’” passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy, is hereby amended so as to read as follows:

Chamberlain to act as treasurer, term of office of, etc.

His office, where to be kept.

Daily deposits to be made.

Money, how paid out.

Salary.

Bond of chamberlain.

§ 4. The chamberlain of the city of Troy shall be the treasurer of the said city, and shall hold office for three years unless sooner removed by the concurring votes of two-thirds of all the members of the common council, for reasons to be entered at large upon the minutes of the proceedings of the common council, or removed as otherwise provided in this act, and shall be ex-officio, a commissioner of deeds of the city of Troy. The office of the chamberlain of the city of Troy shall be kept in such place in said city as shall from time to time, by ordinance or resolution of the common council, be assigned for the purpose, and shall be kept open in each day of the year, Sundays and holidays excepted, from the hours of ten o'clock in the forenoon to three o'clock in the afternoon. Any sum of money in the hands of the chamberlain belonging to the city not required for immediate use shall be deposited by him daily in one or more solvent banks of said city, at such rates of interest as shall be agreed upon, which interest shall belong to the city of Troy. No money shall be paid out by the chamberlain unless upon a warrant drawn by the proper officers or persons upon him, and in all cases countersigned by the comptroller of said city, except interest upon the funded debts of said city. The chamberlain shall receive annually from and after March sixth, eighteen hundred and seventy-one, five thousand dollars in full for services and clerk hire, payable quarterly. At the commencement and before entering upon the term of his office, the said chamberlain shall give his bond to the city of Troy, with at least two sufficient sureties (who shall justify in the aggregate to the amount of fifty thousand dollars) in the sum of fifty thousand dollars, to be approved by the common council, or a justice of the supreme court, conditioned for the faithful performance of the duties of his office, as prescribed by the provisions of this act and the laws of this state, or the ordinances or resolutions of the common council, and also conditioned to pay into the city treasury all such sums of money as shall come into his hands, or any substitute appointed by him, for taxes or otherwise, including all

percentages and interest thereon, or for collecting the state and county taxes, which bonds shall be renewed with other or additional names as sureties, as often as the common council shall direct. Such renewal bonds shall be approved as aforesaid, and in the event of his omitting to give bonds as required by this act for five days after his appointment as chamberlain, or after the common council shall require such bond or bonds to be renewed, with other or additional names as security, and after he shall have been served with notice of such requirement, the office of chamberlain may thereupon be declared vacant by the common council. In the event of the sickness or absence of the chamberlain, if he shall neglect to appoint some suitable person to discharge the duties of the office, the mayor may appoint some suitable person, to be approved by the common council, to discharge the duties of such officer during such sickness or absence. The person so appointed by the mayor and approved by the common council shall give a bond, as by this act is required to be given by the chamberlain, and to be approved in the same manner. It shall be the duty of the chamberlain of the said city to receive all state, county and city taxes and assessments, taxed or assessed upon real or personal property in the city of Troy, at his office and not elsewhere, upon all assessment rolls and warrants which shall be delivered to him according to law, also, to collect and receive all claims due the city from any other source. The said chamberlain shall enter in suitable books, to be kept by him for that purpose, the sums received by him for taxes, designating and on what account the said taxes were paid, with the statement of the district for which said taxes were received, and the name of the parties, respectively, on whose account the same were paid, the amount added to any items of any assessments or tax as shown upon the tax warrants, or any assessments of the local assessors, and the time when the same was paid. And it shall be the duty of the chamberlain to report to the comptroller of the city of Troy, and to the common council at the first of each and every month, the amount received by him for taxes during the preceding month, designating in said report the several items of said tax, and also, in general terms, the receipts and disbursements of his office, and for what purpose received and paid out. It shall also be the duty of the chamberlain in each and every year, on or before the fifteenth day of September, to deliver to the comptroller a statement showing any item of any assessment of the local assessors for any local improvement in said city remaining unpaid at the time of making such statement, with the names of the parties owing the same, as appears from such assessments in his office, with a description of the real estate upon which such unpaid assessments are a lien, so as to enable the said comptroller to extend the said unpaid assessments upon the assessment rolls, or any copies thereof of the general assessors, and to be included by him in the city tax as hereinbefore provided. It shall be the duty of the chamberlain from time to time, to enter in a column upon any assessment of the local assessors in his possession, or upon any tax warrant opposite to the names of the persons mentioned therein, and who shall pay their tax or assessment as aforesaid, to the said chamberlain, the fact of such payment.

Renewal of bond.

Omission to give or renew bond.

Discharge of duties in case of sickness, etc., provision for.

Duties of chamberlain.

Books, what entries to be made in.

Monthly reports.

Annual report, its contents.

Payment of tax, entry of.

§ 2. This act shall take effect immediately.

CHAP. 51.

AN ACT to repeal chapter five hundred and fifty-six of the laws of eighteen hundred and seventy-one, and chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-two, both relative to the Queens County Railway Company.

PASSED March 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Repeal.

SECTION 1. Chapter five hundred and fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act relating to Queens County Railway Company," passed April nineteenth, eighteen hundred and seventy-one, is hereby repealed.

§ 2. Chapter six hundred and thirty-three of the laws of eighteen hundred and seventy-two, entitled "An act relating to the Queens County Railway, passed May tenth, eighteen hundred and seventy-two, is hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 52.

AN ACT to legalize the official acts of The First Congregational Society of the city of Schenectady, and the official acts of the trustees of the said society.

PASSED March 14, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Official
acts legal-
ized.

SECTION 1. All the official acts and proceedings of The First Congregational Society of the city of Schenectady, and all the official acts of the trustees of the said society, and all gifts, grants and conveyances executed and delivered to the said society, are hereby confirmed and made as legal and valid as they would have been, had the said society been duly organized, and their certificate of incorporation been duly recorded in the office of the clerk of Schenectady county, at the time of the execution and delivery of the said gifts, grants and conveyances to the said society.

Proviso.

§ 2. Nothing in this act contained shall be construed to impair or affect the rights of any party or parties to any suit or legal proceeding now pending.

§ 3. This act shall take effect immediately.

CHAP. 53.

AN ACT to change the name of the American Encaustic Tiling Company in the certificate for the incorporation of said company and the license issued thereunder.

PASSED March 14, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of The American Encaustic Tiling Company in the certificate for the incorporation of said company and the license issued thereunder is hereby changed to The United States Tile Company.

§ 2. This act shall take effect immediately.

CHAP. 54.

AN ACT to provide for a special election in the second ward of the village of West Troy, for president, collector and treasurer of said village, and for trustee and constable of said ward, and to define certain of the powers of the officers of such village prior to such election.

PASSED March 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. An election shall be held in the second ward of the village of West Troy, for the purpose of allowing the legal voters therein to vote for a president, collector and treasurer of such village and a trustee and constable of such second ward. Within ten days after the passage of this act, the person who shall then be acting as clerk of the village of West Troy shall appoint in writing a day for holding such election, which appointment shall be signed by him and immediately filed in the clerk's office of such village. The day appointed for such election shall be some week day, not less than two and not more than three weeks from the time of the making and filing of such appointment. Such person acting as clerk shall, immediately after the filing of such appointment, publish or cause to be published, in the newspapers of West Troy or some one of them, a notice, signed by him, to the electors of such second ward, specifying the day appointed for such election.

Election,
purpose
of.

Clerk to
appoint
time for
holding.

§ 2. Notices of the place of holding such election shall be given and such election shall be conducted and returns thereof in all respects, so far as applicable, shall be made in the same manner and under the same laws, officers and regulations, that exist and apply to the regular charter election in the spring of each year in said village. And in case of a vacancy in the office of trustee in such ward, or his absence

Manner of
conduct-
ing

Inspectors
of elec-
tion.

from the polling place the remaining trustee shall appoint some proper person of opposite politics to himself, to act with him as inspector, and the two shall appoint a clerk. In case of the absence of all the inspectors at such ward, at the time when the polls should open, and for one-half hour thereafter, then the police commissioner of the second ward, or in his absence from the polling place, the chief of police, and if both be absent, then the one who shall first appear at said poll, shall appoint two reputable electors of opposite politics, inspectors of election, who shall appoint a proper person as clerk, and they shall act as and be clothed with all the powers and duties of inspectors of election in and for such polling place for said election. It shall be the duty of the police commissioner or chief of police, upon being notified by any elector, to appear at a polling place where the inspectors are absent, and make the appointment above provided for.

President,
treasurer
and collec-
tor, elec-
tion of,
how deter-
mined.

§ 3. The trustees of said village, including the one who shall be elected in said second ward at the election herein provided for, shall after being qualified by taking the oath prescribed within ten days after the election herein provided for, assemble, and upon the statements and certificates of the inspectors of election in the several wards of such village declaring the results of the election in such wards on the sixth of March, eighteen hundred and seventy-eight, and which statements and certificates shall be preserved for such purpose and including those from the second ward, containing the result of such election herein provided for, shall proceed and declare what persons have been duly elected president, treasurer and collector of said village, and they shall cause their declarations and opinions and results of such canvass to be entered in the minutes of their proceedings. In case the original statements and certificates of the inspectors of election of the first, third, and fourth wards or either of them, for such election of the sixth of March, eighteen hundred and seventy-eight, shall be absent, or lost, or destroyed at the time of such canvass and declaration, then such board shall proceed and make such determination and declaration upon copies of such statements and certificates as may be absent, lost or destroyed, such copies to be sworn to as being true and correct, and entire copies of the originals, by some person who had such originals in his possession. Such oath to be in writing, and taken before some person authorized to administer oaths in the village of West Troy, and to be filed in the office of the clerk of the village.

Officers
elected,
when to
take and
how long
to hold
office.

§ 4. Immediately upon the canvass of the votes at such election, by the trustees of the village, the persons declared elected to the offices of president, collector and treasurer of such village, respectively, shall be entitled to take possession, hold and discharge the duties of their respective offices upon taking the proper oath and filing the proper bonds. And they shall hold them for the same length of time and with the same force, power and authority attached to said offices, as if such persons had been elected at the regular election which took place in said village on the sixth of March, eighteen hundred and seventy-eight, and the trustee and constable who shall have been elected in said second ward, shall be entitled to discharge the duties of such offices at once, upon filing any bond that may be necessary, and their term of office shall be the same as if they had been elected at the aforesaid election of the sixth of March, eighteen hundred and

seventy-eight. The term of office of those persons who shall have assumed or may assume to act as president, collector and treasurer of such village by virtue of such election on the sixth of March, eighteen hundred and seventy-eight, shall terminate immediately upon the completion of the canvass by the trustees, and their declaration of the result of the election as provided for by section three of this act. And if such trustees shall wilfully neglect or refuse to make such canvass or to declare such result, the trustees so neglecting or refusing, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment at hard labor in the penitentiary of Albany county for not less than six months nor more than one year, or by a fine of not less than five hundred nor more than two thousand dollars, or by both such fine and imprisonment.

Terms of officers assuming to act.

Penalty for neglect to canvass, etc.

§ 5. After the passage of this act and prior to the canvass and declaration of the results thereof by the trustees, as aforesaid, neither the president of such village nor the treasurer thereof, nor the board of trustees, nor any committee thereof, nor all combined, shall have power to make any contract for the supply to the village of any gas, oil or other substance for lighting the streets and public buildings of such village, or for repairing or keeping in repair, the lamps of such village or supplying new ones to it, or for any other supplies to said village whatever, for a longer time than up to the canvassing and declarations aforesaid by the trustees. And any contract entered into after the passage of this act up to the time of such canvass and declaration, by any of the officers, board or committee aforesaid, for the above mentioned purposes, shall terminate and become void upon such canvass and declaration. And if such canvass and declaration should be delayed for a space of three weeks after the time when by the provisions of the law it ought to be made and declared, then such aforesaid contracts shall terminate and become void at the expiration of said period of three weeks, and thereafter, and until said canvass and declaration shall be made, no contract for the purposes aforesaid shall be entered into.

Contracts made after passage of act, etc.

When contracts shall terminate.

§ 6. At the election in the village of West Troy, herein provided for, the board of police commissioners shall have power, and it is hereby made their duty to detail such number of policemen to attend at the polling place in the second ward of said village, as shall be necessary in their opinion to preserve order thereat, and for that purpose they may appoint, in writing, special policemen for such election day, which appointment shall be filed in the office of the clerk of the village. And such policemen shall, upon a detail for that purpose by the police commissioners, be allowed, and it shall be their duty to remain in the room where the inspectors of elections shall receive the ballots, but shall not interfere in any way or manner with the inspectors of election, or their performance of their duties, but shall have power, and it shall be their duty to preserve the public peace and the due and orderly conduct of such election.

Policemen to attend polls.

Duty of policemen.

§ 7. Any person wilfully offending against the provisions of this act shall be deemed guilty of a misdemeanor. This provision shall extend to and cover the case of any person assuming to make any contract on behalf of the village in contravention of the provisions of section four of this act. Upon conviction of any person of a misdemeanor for the violation of any provision of this act, he shall be pun-

Penalty for violation of act.

ished by imprisonment at hard labor in the penitentiary of Albany county for not less than six nor more than twelve months, or by a fine not less than five hundred nor more than two thousand dollars, or by both such fine and imprisonment.

§ 8. This act shall take effect immediately.

CHAP. 55.

AN ACT to legalize and confirm the election of officers for the village of Dundee in the county of Yates.

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Election
of village
officers
legalized.

Proviso.

SECTION 1. The election of trustees and other officers of the village of Dundee in the county of Yates on the fifth day of March, one thousand eight hundred and seventy-eight, is hereby legalized and declared as valid as if the required notice of the time and place of holding said election had been published the full time required by law, and the persons duly elected at said election are hereby confirmed in their respective offices as fully as though said notice had been duly given. But this act shall not affect the rights of any party to any suit or proceeding commenced before the passage of this act.

§ 2. This act shall take effect immediately.

CHAP. 56.

AN ACT to confirm the election of officers for the village of Phelps, Ontario county.

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The election of village officers for the village of Phelps in the county of Ontario, held on the first Wednesday of March, eighteen hundred and seventy-eight, is hereby in all respects legalized and confirmed, as if three weeks' notice thereof and of the time of opening and closing the polls thereat had been given as required by law and the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven.

§ 2. This act shall take effect immediately.

CHAP. 57.

AN ACT in relation to the collection of taxes in the city of Kingston.

PASSED March 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time of the policeman appointed by the mayor and common council of the city of Kingston and approved by said common council, to collect taxes by virtue of warrants issued to him by the treasurer of said city, is hereby enlarged and extended thirty days; and his acts as such policeman under and in pursuance of such warrants heretofore executed by him and his authority as such policeman to execute such warrants, or renewals thereof, issued or to be issued to him, are hereby confirmed. The provisions of this act shall not extend the time for the collection and return of taxes upon the lands of non-residents.

Time for collection extended.

Acts of policeman as collector confirmed.

Proviso.

§ 2. This act shall not affect any suit now pending.

§ 3. This act shall take effect immediately.

CHAP. 58.

AN ACT to confirm the election of village trustees of the villages of Whitney's Point, and Lisle in Broome county and to provide for and determine by lot their respective terms of office.

PASSED March 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No election of trustees for the villages of Whitney's Point and Lisle held in the year eighteen hundred and seventy-eight, pursuant to an act entitled "An act to provide for the incorporation of villages," passed April twenty, eighteen hundred and seventy, and the act amendatory of said act, passed June ninth, eighteen hundred and seventy-four, shall be invalid on account of the failure of any of the electors, to designate in their ballots the respective terms of office of the persons voted for, for trustees, as provided in said acts, but the persons for whom a majority of such votes shall be cast, shall be deemed duly elected trustees of said villages, and such trustees shall, on or before the first day of May, eighteen hundred and seventy-eight, meet together with the president of said villages, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year, and who of them for two years. The smallest majority of said trustees shall serve for two years, and the largest minority for one year. The president shall make and file in the office of the clerk of said villages a certificate stating the names of said trustees and the term of office of each, as so determined.

Village trustees, election of, confirmed.

Terms of office, how determined.

Certificate to be filed.

§ 2. The official acts of the acting trustees of said villages, since the annual election in the year eighteen hundred and seventy-five, are

Official acts of act-

ing trus-
tees legal-
ized.

Proviso.

hereby legalized and confirmed, and shall be deemed of full force and validity.

§ 3. Nothing herein contained shall affect any action or proceeding now pending in any court of this state.

§ 4. This act shall take effect immediately.

CHAP. 59.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED March 18, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of title one of chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

Inspectors
of election
to file cer-
tificate of
result.

§ 10. Within three days after such election the said board of inspectors shall make out a certificate of the holding of the same, and of the canvass of the ballots thereat, showing the whole number of such ballots, the number with the word "yes" thereon, and with the word "no" thereon, with a copy of the notice of the holding of such election, and an affidavit of posting or publishing the same, as hereinbefore provided. Such certificate shall be signed by said inspectors, or a majority of them, and its truth verified by their affidavits annexed thereto, and shall, within ten days after such election, be filed and recorded in the county clerk's office of the county within which such territory shall be, or in case such territory shall be located in two or more counties, then such certificate shall be filed with the county clerk of each of such counties.

§ 2. Section eleven of title one of said act is hereby amended so as to read as follows:

Appeals to
county
judge.

§ 11. Within ten days after such filing any elector qualified to vote at such election may appeal to the county judge of the county in which such territory shall be located, or in case such territory shall be located in two or more counties, then to the county judge of either of said counties, by petition, specifying the irregularities in and objections to such election. Such judge, on proof by affidavit that such petition or notice of it has been served on the electors signing the notice for holding the election, or a majority of them, and that the person appealing has deposited with the county clerk of the county in which such territory is located, the sum of one hundred dollars to meet the expenses of the appeal, shall appoint a day for hearing the same, not more than ten days from the day of bringing the appeal; and, on such day, on proof by affidavit that the electors signing the election notice, or a majority of them, were notified, in writing, five days before such hearing, of such hearing, shall proceed to hear the same, such judge shall have power, by subpoena, to compel the attendance of witnesses before him on such day, or on adjourned days. His

Hearing
before
judge.

decision as to the legality or illegality of such election shall be rendered within thirty days from the day of presenting the petition of appeal to him. If such decision be adverse to the prayer of such petition, he shall, within ten days from rendering such decision, by order signed by him, direct such portions as he may deem just of the one hundred dollars deposited with the county clerk, to be paid by such clerk to the persons in such order named, and the balance to the person or persons who deposited the same. If no such allowance is made by the county judge within the ten days above specified, then he shall direct, by order, the county clerk to return such money to the person who deposited the same with him. The allowance for expenses out of the sum deposited must be made within ten days from the decision of the judge on the appeal.

Decision.

Expenses,
how
allowed.

§ 3. Section twelve of title one of said act is hereby amended so as to read as follows:

§ 12. If the county judge shall decide such election to be legal, he shall file an order to that effect in the county clerk's office of the county wherein such territory is located, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, within ten days from the day of making such decision.

Order
affirming
election.

§ 4. Section thirteen of title one of said act is hereby amended so as to read as follows:

§ 13. If the county judge shall decide such election to have been illegal, he shall forthwith, on rendering his decision, make an order and file the same in the county clerk's office in the county in which such territory shall be, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, directing another election to be held to determine the question of the incorporation of such territory. The election so ordered shall be held on notice of such election signed by some one or more of the persons designated as inspectors of election for the previous election as to incorporation, specifying the hours of opening and closing the polls and place of holding the same, stating the proposed name of village and the amount for ordinary expenditures for the first year, and giving the verbal description provided for hereinbefore, of the bounds of such territory; such notice to be published or posted as hereinbefore provided in relation to the previous election, for at least fifteen days before the election.

County
judge,
when to
order new
elections.When and
how new
election
held.

§ 5. Section fifteen of title one of said act is hereby amended so as to read as follows:

§ 15. If the majority of the ballots at the first election shall have on them the word "yes," and no appeal is taken from such election within the time hereinbefore specified for that purpose, then such territory shall be an incorporated village within the intent of this act from the time of the filing of the certificate of the inspectors. If the majority of the ballots cast at such election have on them the word "yes," and an appeal is taken and decided favorably to the legality of the election, then such territory shall be an incorporated village within the intent of this act from the date of the filing of the certificate of the inspectors as hereinbefore provided. If the decision on the appeal is adverse to the election, and the second election shall result in a majority of the ballots cast having thereon the word "yes," then from the date of the filing of the certificate of inspectors as hereinbefore required, of such second election, in the county clerk's office

Territory,
when to
become in-
corporated.

No appeal
for second
election.

of the county where the territory is located, or in case such territory shall be located in two or more counties, with the county clerk of each of such counties, such territory shall be an incorporated village within the intent of this act. No appeal is allowed from such second election.

§ 6. Section three of title five of said act is hereby amended so as to read as follows:

Jurisdic-
tion of
town
justices.

§ 3. Any justice of the peace of the town or towns in which such village shall be located, shall have jurisdiction in all criminal cases that may arise within the bounds of the village in the county in which they severally reside, with the same powers and subject to the duties and liabilities as a justice of the peace in other cases. He shall also have jurisdiction in all actions brought to recover fines or penalties for the violation of any provision of this act, and of the rules, by-laws and ordinances of the village, or to recover any tax or assessment levied by the village, and his proceedings and judgments may be reviewed in the same manner as is or shall be provided by law in cases of judgments and proceedings of justices of the peace. Said justice shall receive the same fees and compensation as is provided by law for similar services. The fees and compensation of such justice shall be audited and paid and collected in the same manner as the fees of justices of the peace for similar services. All fines recovered by him in suits for the violation of the provisions of this act, or the by-laws, rules and ordinances of the corporation, shall be paid over to the treasurer of the village upon their receipt by such justice. In such last-mentioned suits, if judgment is entered, the said justice shall award costs including witnesses' fees and other legal disbursements, to the successful party, to the same amount as a justice of the peace could in civil actions or proceedings before him.

Fees and
compensa-
tion.
Fines.

Costs, how
awarded.

§ 7. Section four of title five of said act is hereby amended so as to read as follows:

Police
consta-
ble.

Powers
and duties.

§ 4. The person appointed police constable shall have the powers and subject to the same duties in criminal and civil cases, cognizable by such justice, as constables of towns, and shall be chief of the police force of the village, subject to the directions and orders of the president. He shall have the power, and it shall be his duty, to keep order in all public places in the village; to arrest persons concerned in riotous or noisy assemblages, or who are breaking the peace, or violating this act, or the by-laws, rules or ordinances of the village, arrest them, and forthwith convey them before the proper authority, to be dealt with according to law, and to keep and retain such persons in custody until committed or discharged. Said police constable shall have power to execute any warrant or process issued by justices of the peace of the county or counties in which such village is situated. The said police constable shall be paid for his services the same compensation, to be audited and allowed in the same manner as town constables for similar services, and also such extra annual salary as chief of police, as the board of trustees may direct.

Compensa-
tion.

§ 8. Section four of title seven of said act is hereby amended so as to read as follows:

Appeals to
county
judge.

§ 4. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county where such village is situated, or in case such village shall be located in two or more counties, then to the county judge of either of said counties, praying for the appointment

of three commissioners residing in said county, to review said award of said jury. The person appealing shall execute a bond to the village in its corporate name in the penal sum of two hundred and fifty dollars, with two sureties who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with, and serving a copy of said petition, with a notice of the time when and place where the same will be presented to the said judge or the village clerk, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single and continuous alteration or improvement, shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county but not in the village, to fill the vacancy. Said commissioners shall meet at such village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award the commissioners shall each be paid by the treasurer of the village, three dollars per day for their services, and the amount so paid shall be collected by suit if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section the judge to whom the appeal is made shall, by order, appoint guardians for any infant, lunatic or idiot interested in said proceedings.

Bond of appellant.

Stay of proceedings.

Several appeals.

Hearing.

Commissioners to review awards.

Award.

Compensation of commissioners.

Guardians for infants, etc.

§ 9. Section seven of title eight of said act is hereby amended so as to read as follows:

§ 7. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees in pursuance of said act, shall be a summons or warrant. If the defendant in such action has no property, personal or real, whereof the judgment can be collected, the execution shall re-

First process in suits by village.

Imprisonment for non-pay-

ment of
judgment.

quire the defendant to be imprisoned in the county jail of the county in which the village is situated, or in case such village shall be located in two or more counties, then in the county jail of either of said counties, for a term not exceeding ten days.

§ 10. Section thirty-one of title eight of said act is hereby amended so as to read as follows:

County
clerks to
record
returns of
inspectors.

§ 31. The county clerk shall record all returns of inspectors of elections for the incorporation of villages held under this act in the records for the recording of deeds, or in a book to be specially provided for that purpose, or in case such village shall be located in two or more counties, then the county clerk of either of said counties shall record all returns of inspectors of election for the incorporation of villages held under this act in the records for the recording of deeds, or in a book to be specially provided for that purpose. For the recording of such certificates the county clerk shall be paid the fees legally chargeable for the recording of deeds.

CHAP. 60.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing and empowering the common council of the city of Rochester to construct a turn-table or swing bridge, over the Erie canal, in Allen street, in the city of Rochester."

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and sixty-five of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing and empowering the common council of the city of Rochester, to construct a turn-table or swing bridge over the Erie canal, in Allen street, in the city of Rochester," is hereby amended so as to read as follows:

Common
council
may con-
struct
bridge.

Expense
of, how
paid.

§ 1. The common council of the city of Rochester is hereby authorized, upon the application of a majority of the owners of property to be assessed therefor, with the consent and under the direction of the superintendent of public works, to construct a lift or hoist bridge over the Erie canal, in Allen street, in said city, in place of the bridge now over the canal at the point aforesaid, and the whole expense thereof shall be assessed and levied upon such portion of the real property within the said city, as shall be deemed by the said common council to be benefited thereby. The ordinance for such improvement shall require such a vote of the common council, and the assessment thereof shall be made and proceeded with in all respects as in cases of other local improvements.

§ 2. This act shall take effect immediately.

CHAP. 61.

AN ACT to amend chapter four hundred and thirty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing.

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter four hundred and thirty-eight of the laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," is hereby amended so as to read as follows :

§ 1. Any ten or more persons of full age, citizens of this state and of the United States, who shall desire to associate themselves into a society for the prevention of stealing of horses, wagons, sleighs, harness, robes, by the employment of patrolmen, riders and messengers, and the use of all other lawful means to prevent the same, may make, sign and acknowledge before any officer authorized to take the acknowledgment of deeds in this state, and file the same in the office of the secretary of state, and a duplicate thereof in the office of the clerk of the county in which the business of said society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence ; but such certificate shall not be filed unless by the written consent and approbation of one of the justices of the supreme court of the district in which the place of business of such company or association shall be located be indorsed on such certificate.

Formation
of socie-
ties.

Certifi-
cates of
associa-
tion,
where
filed.

Consent of
justice of
supreme
court.

§ 2. This act shall take effect immediately.

CHAP. 62.

AN ACT to amend chapter five hundred and thirty of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Legal Protection Society of the town of Madison, Madison county."

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of chapter five hundred and thirty of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the Legal Protection Society of the town of Madison, Madison county," passed April twenty-one, one thousand eight hundred and sixty-five, is hereby amended so as to read as follows :

Riders,
appoint-
ment and
duties of.

§ 7. The directors of said society are empowered to appoint twelve of the members of said society "riders," and to designate one of their number "captain of the riders," and it shall be the duty of said riders, under the direction of the captain and regulations of the society, immediately on notice of the loss of any property by theft, belonging to any member of the society, to arrest, upon his own authority and without process, the thief and regain the stolen property.

§ 2. This act shall take effect immediately.

CHAP. 63.

AN ACT to amend chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings."

PASSED March 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three hundred and sixty-one, chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled "An act relating to courts, officers of justice and civil proceedings," is hereby amended so as to read as follows:

Stenog-
rapher for
county
courts of
Living-
ston,
Niagara or
Monroe
counties.

§ 361. The judge holding or presiding at a term of the county court or court of sessions, in either of the counties of Livingston, Niagara or Monroe, where issues of fact are triable, may employ a stenographer to take stenographic notes upon trials thereat, who is entitled to a compensation, to be certified by the judge, not exceeding ten dollars for each day's attendance, at the request of the judge. The stenographer's compensation is a charge upon the county, and, in the counties of Livingston and Niagara must be audited, allowed and paid as other county charges; and in the county of Monroe, must be paid by the county treasurer on an order of the court, granted on the affidavit of the stenographer and the certificate of the judge, that the services were rendered.

§ 2. This act shall take effect immediately.

CHAP. 64.

AN ACT to authorize the water commissioners of the city of Watertown to issue bonds for the purpose of raising funds for the construction of new distributing and pumping mains.

PASSED March 19, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Water
commis-
sioners

SECTION 1. The water commissioners of the city of Watertown are hereby authorized to borrow on the credit of the city of Watertown a

sum of money not exceeding in amount fifteen thousand dollars, in addition to the sum of one hundred thousand dollars authorized by chapter six hundred and seventy-nine of the laws of eighteen hundred and seventy-one and the sum of twenty-five thousand dollars authorized by chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-two, in the manner hereinafter mentioned, which money, or so much as may be necessary, shall be used and applied to the laying of new distributing mains to and from the reservoir and to and through the public square of the city of Watertown, with appropriate gates and connections, in the discretion of the said commissioners, and to extending the pipes through other parts of the city as the same is required under the existing provisions of law regulating said commissioners and on general construction account under the direction of the said water commissioners. The said sum of fifteen thousand dollars may be borrowed from time to time as may become necessary for the purpose aforesaid. Such loans shall be on such terms of credit as said commissioners deem best for the interest of said city, and be payable principal and interest in the same manner as bonds heretofore issued by said commissioners, and bear a rate of interest not exceeding seven per centum. To secure said loan and loans, the said commissioners are authorized to make, execute and deliver bonds, certificates or other obligations, which shall be signed by them, or any three of them; which bonds, certificates or obligations shall be made payable in not less than five equal and yearly payments. No installments shall be made payable before the year nineteen hundred, and the said bonds and certificates or other obligations so executed, and the interest thereon, shall be a valid subsisting liability against said city of Watertown, and the faith and credit of said city of Watertown is pledged for the payment of the same; and the said money so borrowed shall be appropriated by said water commissioners as herein directed. Any violation of this provision shall be deemed a misdemeanor.

§ 2. The said commissioners, in the exercise of the powers hereby granted, shall be subject to all the provisions of law relating to said commissioners not inconsistent with the provisions of this act.

§ 3. This act shall take effect immediately.

may borrow money.

Money, how applied.

Terms of credit, etc.

May issue bonds or other obligations.

Misdemeanor.

Commissioners subject to laws applicable.

CHAP. 65.

AN ACT to amend the statutes in reference to the collection of taxes in the counties of Livingston, Montgomery and Oswego.

PASSED March 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the county treasurers of the counties of Livingston, Montgomery and Oswego to collect, annually, all unpaid taxes upon lands in said counties levied for state or county purposes in the manner hereinafter provided.

§ 2. It shall not be the duty of the county treasurers of the counties of Livingston, Montgomery and Oswego to transmit to the comptroller

Unpaid taxes, collection of.

County treasurers need not

transmit
to comp-
troller
accounts
of.

To pay un-
paid taxes
to state
treasurer.

Provision
for pay-
ment of
state tax.

Taxes on
lands im-
perfectly
described.

Lands,
when to
be sold.

Lists of
lands li-
able to be
sold, pub-
lication of.

Notice of
sale.

Sale.

any account of unpaid taxes assessed upon corporations or upon lands of non-residents, or of unknown owners in said counties or any collector's affidavit in relation thereto; nor shall the comptroller credit the said treasurer of either of said counties with any unpaid taxes on lands or upon corporations, whether assessed to residents or as non-resident land, but the whole amount of any state tax unpaid on property in either of the said counties shall be paid by the county treasurers of said counties to the treasurer of the state on or before the first day of May after the same shall have been assessed upon the real and personal estate of said counties, retaining the compensation to which they may be entitled.

§ 3. If there are not sufficient funds then in the county treasury standing to the credit of the several towns of the said counties to pay such state tax, the county treasurer of either of said counties shall make provision for the payment of the same by temporary loans upon the credit of his county, and charge the same to the towns, in such amounts as they may respectively be deficient. The comptroller may extend the time for the payment of such deficiency for not more than four months, charging interest thereon at the rate of six per cent per annum from the said first day of May.

§ 4. The county treasurers shall examine the accounts of arrears of taxes received from the collectors of the towns, and shall reject all taxes on lands that shall be imperfectly described, and all taxes so erroneously assessed in form or substance that the collection of the same cannot be enforced, and shall immediately deliver a transcript thereof to the supervisors of the several towns in which the property so rejected shall be located, who shall, within thirty days thereafter, cause a correct description of the lands so imperfectly described to be made and returned to the said treasurers.

§ 5. Whenever any tax charged on real estate returned to the county treasurers, and the interest thereon, at the rate of ten per cent per annum, to be calculated from the first day of February, when such tax was payable, shall remain unpaid for six months from the said first day of February, the said county treasurers shall proceed to advertise and sell such real estate in the manner herein provided for the payment of such tax and interest and the expenses of such sale; the expenses of publishing list and notices and of conducting the sale shall be a charge on the lands sold and shall be added to the tax and interest.

§ 6. The said county treasurers shall immediately after the expiration of the aforesaid six months cause to be published, at least once in each week, for six weeks in the two public newspapers designated by the board of supervisors of said counties for the publication of the session laws, a list or statement of the real estate charged with such tax and interest, and so liable to be sold, and also a notice that the said real estate will on a day, at the expiration of the said six weeks, to be specified in such notice, and the succeeding days, be sold at public auction at the court-house in the village of Geneseo, in the county of Livingston, and at the court-house in the city of Oswego in the county of Oswego, and at the court-house in the village of Fonda in the county of Montgomery, to discharge the taxes, interest and expenses aforesaid which may be due thereon at the time of sale, the publishing of the said notice not to exceed the sum of two dollars for each newspaper so publishing each of the several notices. On the day mentioned in the said notice, each of the said county treasurers

shall commence the sale of said real estate, and shall continue the sale from day to day until such lands shall be disposed of.

§ 7. The purchasers at such sale shall pay the amounts of their respective bids to the said county treasurer of the county in which the real estate so sold is situated, immediately after the sale, and after such payment shall have been made, the said county treasurers shall give to the purchaser of any such real estate a certificate in writing, describing the real estate purchased and the sum paid, and such purchaser or his legal representatives or assigns may immediately, upon receiving said certificate, by virtue thereof and of this act, lawfully possess, hold and enjoy, for his and their own proper use, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless redeemed as hereinafter provided; and he may, at any time after the time limited in the eighth section of this act for the redemption of such premises shall have expired, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Payment of bids and certificate of purchase.

Possession, how obtained.

§ 8. The owner of, or any person interested in any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the last day of such sale, by paying to the said county treasurer, of the county in which the real estate so sold is situated, for the use of the purchaser, his heirs and assigns, the sum mentioned in his certificate, and the interest thereon at the rate of ten per cent per annum, to be calculated from the date of such certificate.

Time for redemption.

§ 9. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the county treasurer of the county in which the real estate so sold is situated, shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee. The county treasurer making such sale, shall be entitled to demand and receive from the purchaser one dollar for preparing such conveyance.

Conveyance of lands not redeemed.

§ 10. Every such conveyance shall be executed by the treasurer of the county in which any sale shall be made under this act, under his hand and seal, and the execution thereof shall be acknowledged before a proper officer the same as other conveyances of real estate are executed and acknowledged under the laws of the state; and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular according to the provisions of this act. The moneys received by the said county treasurer upon every such sale of real estate for taxes, interest and charges shall be applied by him, after deducting the expenses of the sale, in like manner as if the same had been paid to him by the collectors of the several towns. Every certificate or conveyance executed by the county treasurer in pursuance of the provisions of this act may be recorded in the same manner and with like effect as a deed acknowledged or proven before any officer authorized by law to take the proof and acknowledgment of deeds.

How executed.

Proceeds of sale, how applied.

Record of conveyances, etc.

§ 11. Whenever any purchaser under such sale shall be unable to recover possession of the real estate sold to him, by reason of any error or irregularity in the assessment of any person or property, or in the levying of a tax, or any proceedings for the collection of any

Inability of purchaser to recover possession of real estate.

tax, the board of supervisors of said county shall reimburse the purchase-money so paid with interest, the same to be presented and audited as other county charges and by them to be charged over to the town or towns where the irregularity arises.

Applica-
tion of
general
tax laws.

§ 12. When no provision on the subject is made in this act, all the general laws in this state in relation to the assessment and collection of taxes, particularly those relating to the canceling of a tax which shall have been paid to any collector, the repayment of any tax more than once, the payment of a part of the tax on land, by any person claiming a part of such land, the redemption of land sold for taxes by persons claiming an individual share, or a specified part thereof, the effect of such redemption reducing the land to be conveyed, the effect of any such sale of land for taxes upon the lien of any mortgage thereon, the right of a mortgagee to redeem, the consequence of neglect to do so after notice, and the lien of the mortgagee for the amount paid on such redemption, the authority to withhold conveyances when it shall be discovered that any sale of land for taxes was invalid or ineffectual to convey a title, and to refund the purchase-money and interest to the purchaser, shall, so far as they are applicable, be in force in respect to the assessment and collection of taxes in the counties of Livingston, Montgomery and Oswego, and the sale of land for taxes, except that where any authority is given or duty enjoined by those laws on the comptroller of the state, the same authority shall be exercised and the same duties shall be devolved on the county treasurers of the counties of Livingston, Montgomery and Oswego.

Action to
recover
unpaid
taxes.

§ 13. In every case where the collectors of the towns in said counties shall have been discharged from liability on account of any uncollected taxes returned by them to the county treasurer of either of said counties, the said county treasurer may maintain an action for the recovery of the amount so remaining unpaid and uncollected, with interest at the rate of ten per cent per annum, to be collected from the first day of February, when the said tax was payable, in his name of office, against the person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction, in which the proceedings, costs, judgments and executions shall be the same and with the like effect as in actions between other public officers and individuals, and the amount collected shall be applied in the same manner as if paid to the county treasurer by the collectors of said towns. Nothing in this section contained shall be construed to repeal or abridge any powers now had by officers for the collection of taxes in said towns.

Repeal.

§ 14. All other acts inconsistent with the provisions of this act, so far as the same relate to the counties of Livingston, Montgomery and Oswego, are hereby repealed.

§ 15. This act shall take effect immediately.

CHAP. 66.

AN ACT to authorize the city of Elmira to issue bonds for the payment of certain other bonds of said city falling due on or before November first, eighteen hundred and seventy-eight.

PASSED March 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Elmira is hereby authorized and empowered, in its discretion, to cause the bonds of said city, to an amount not exceeding ten thousand dollars, to be issued for the sole purpose of paying with the same, or with the proceeds of the sale or sales thereof, to the extent of the amount of such new bonds, or of such proceeds, the bonds of said city heretofore issued and falling due on or before the first day of November, eighteen hundred and seventy-eight.

Bonds,
common
council
may issue.

§ 2. Such bonds shall be in such form and executed in such a manner as the said council may direct, in denominations of fifty dollars, five hundred dollars and one thousand dollars, all to become due and payable in the year eighteen hundred and ninety-five, with semi-annual interest at a rate not exceeding six per cent per annum; provided, however, that they shall not be sold or disposed of by said council for less than their par value.

How exe-
cuted, etc.

§ 3. This act shall take effect immediately.

CHAP. 67.

AN ACT to extend the time for advertising the sale of lands for unpaid taxes in the village of Edgewater, Richmond county.

PASSED March 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Adrian Post, treasurer of the village of Edgewater, is hereby authorized and empowered at any time before the first day of May, one thousand eight hundred and seventy-eight, to cause the lands and premises, the taxes upon which are returned unpaid, to be advertised for sale in the manner prescribed by law, and such advertisement and any sale of land in pursuance thereof shall be as valid and effectual to all intents and purposes as if made within the time now prescribed by law.

§ 2. This act shall take effect immediately.

CHAP. 68.

AN ACT to amend chapter four hundred and forty-six of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of West Mount Vernon, county of Westchester.

PASSED March 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. That part of section one, of chapter four hundred and forty-six, of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, entitled" An act to incorporate the village of West Mount Vernon, county of Westchester, constituting the amended section twenty-five of chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, is hereby amended so as to read as follows :

Streets,
avenues,
lanes and
alleys,
opening
etc., of.

§ 25. Said board of trustees shall have power to lay out and open, straighten and widen, regulate and grade streets, avenues, lanes and alleys, and to close and discontinue the same or any part thereof, and also to release and sell and convey any such closed and discontinued street, lane or alley, or part thereof to adjoining owners or other persons, whenever a majority in number and assessed valuation of the resident property owners on such street, avenue, lane or alley, shall petition said board for such improvement, and the costs and expenses thereof shall be assessed upon, and collected from the real property lying within the district of assessment, which district of assessment shall be fixed by the board of trustees in the case of each of such improvements, after hearing all parties interested who desire to be heard thereon, and said board of trustees shall have power to appoint engineers or surveyors to lay out and superintend such improvement, and their proper charges shall be considered as a part of the cost of the improvement; and to facilitate the prosecution of any such work as may be petitioned for as before mentioned, the board of trustees shall have power to issue certificates of indebtedness to the amount of the costs of such improvement to mature in one year, bearing not more than seven per cent interest, and to be negotiated for not less than their par value, and the village shall reimburse itself for such certificates, by the collection of assessments herein provided for; such assessment shall be collected and be a lien on the property assessed therefor the same as other taxes and assessments in said village.

§ 2. This act shall take effect immediately.

CHAP. 69.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the Grand Lodge of the Ancient order of United Workmen of the state of New York."

PASSED March 21, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an act to amend chapter seventy-four of the laws of eighteen hundred and seventy-seven, entitled "An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of the state of New York" is hereby amended so as to read as follows: "Edwin Elmore, Leroy Andrus, William M. Bennett, Jonathan G. Armstrong, John Hodge, Ensign M. Clark, W. C. Hickox, John E. Neff and all persons who are now or may hereafter become associated with them or their successors are hereby constituted and created a body politic and corporate by the name and title of the Grand Lodge of the Ancient Order of United Workmen of the State of New York, and as such shall have perpetual succession and shall be capable of suing and being sued in all courts of record and elsewhere, and of taking, holding, purchasing, granting and conveying real, personal and mixed property to an amount not exceeding one hundred and fifty thousand dollars, to have and use a common seal and break and alter the same at pleasure and shall also have power to institute and control such subordinate lodges as it may see fit, under such rules, by-laws and regulations as the said grand lodge may establish, not in conflict with the laws of this state," and whenever any such subordinate lodge so constituted shall be desirous of having the benefit of this act, it shall and may be lawful for such lodge at any regular stated meeting thereof held in accordance with the constitution and general regulations of the grand lodge aforesaid and in conformity to its own by-laws and regulation to elect by ballot three trustees for such lodge for the purpose aforesaid. A certificate of which election and purpose shall be made and subscribed by the first three election* officers of said lodge under their hands and stating therein the time and place of such election, the regularity thereof. The names of such trustees and the terms severally for which they are allotted to serve and the name of the lodge for which they were elected. The execution of such certificate shall be acknowledged or proved before some officer authorized to take the acknowledgment of deeds who shall indorse thereon a certificate of such acknowledgment under his hand and the same shall then be filed in the office of the secretary of state. Such trustees and their successors shall thereupon be and become entitled to all the benefits, rights and privileges granted by this act to and for the use and behoof of such lodge. And said trustees shall thereupon be authorized to take and hold real and personal estate for the uses and purposes of said lodge in any amount not exceeding fifty thousand dollars and may convey the same according to the provisions of this act. The persons so first elected trustees shall be divided by lot by the officers making such cer-

Corporators.

Corporate title and powers.

Subordinate lodges.

Certificate of election of trustees.

How executed and where to be filed.

Trustees, election of, terms of office, etc.

* So in the original.

tificate so that the term of one shall expire one year from the day of the next election of the first officer of such lodge and the term of the second shall expire two years from said day and the third three years from said day. One trustee shall annually thereafter be elected by said lodge by ballot in the same manner and at the same time as the first officer of said lodge shall be elected according to the constitution, general regulations and by-laws aforesaid and a certificate of said election under the hands of the three officers and the secretary of said lodge if they have one, shall be made and shall be evidence of such election and entitle such person so elected to act as trustee for the term of three years from the time of his election. Said lodge may at any regular stated meeting thereof fill any vacancy that may have occurred in said board of trustees to be certified in like manner and with like effect as at an annual election and the person so elected shall hold his office for and during the term of the trustee whose place he was elected to fill. A copy of the certificate of incorporation certified by the secretary of state or his deputy shall be evidence of the incorporation of said lodge and of the right of said trustees to examine* all the rights and privileges conferred by this act. If any person so elected trustee shall die, resign, remove from this state, or for any cause cease to be a member of such lodge according to the laws, general regulations, or by-laws aforesaid or become insane or otherwise incapacitated from performing the duties of said trust, his office as trustee shall thereafter be deemed vacant and such lodge may thereafter at any regular stated meeting by resolution duly passed and entered on its minutes declare such office vacant for any cause aforesaid and may thereupon in the same manner and with like effect proceed to fill such vacancy. The trustees of any such lodge and their successors shall be and are hereby authorized to take, hold, mortgage and convey by and under the direction of such lodge and for the use and benefit thereof all the temporalities and property belonging thereto whether consisting of real or personal estate and whether the same shall have been given, granted or devised directly to such lodge or to any person or persons for their use or in trust for them or their benefit. And also in their individual names with the addition of their title of trustee aforesaid to sue and be sued in all courts and places having jurisdiction of the subject-matter of such action, and to recover, hold and enjoy in trust and subject as aforesaid, all the debts, demands, rights and privileges and all real estate and property belonging to such lodge in whatsoever manner the same may be acquired or in whosoever name the same may be held as fully and amply as if the right or title thereto had been originally vested in such trustees and also to purchase and hold for the purposes and subject as aforesaid other real and personal estate and to devise, lease, mortgage, and improve the same. And such lodge shall have power to make rules and regulations not inconsistent with the laws of this state nor contrary to the constitution or general regulations of the grand lodge to which it shall be subordinate for managing the temporal affairs of such lodge and to dispose of its property and all other temporal concerns and the revenue thereof. Nothing in this act contained shall be construed or taken to give to such trustees of any lodge the power to purchase, sell, convey* mortgage or dispose of any property* real or personal of such lodge, nor shall they have such power except by and under the direction of such lodge duly had at a regular or stated meeting thereof according to the constitution and general regulations aforesaid, and said trustees shall at all times obey and

Vacancies,
how filled.

Evidence
of incor-
poration.

When
office of
trustee
deemed
vacant.

Powers of
trustees.

Rules and
regula-
tions.

Power to
purchase
or sell real
estate.

* So in the original.

abide by the directions, orders and resolutions of said lodge duly passed at any regular or stated meeting thereof, according to and not contravening the constitution and laws of this state or of the grand lodge to which it shall be subordinate, or of the lodge aforesaid. No board of trustees for any lodge filing the certificate aforesaid shall be deemed to be dissolved for any neglect or omission to elect a trustee annually or to fill any vacancy or vacancies that may occur or exist at any time in said board, but it shall or may be lawful for said lodge to fill such vacancy or vacancies at any regular or stated meeting thereafter to be held and till a vacancy arising from the expiration of a term of office of a trustee is filled as herein provided. He shall continue to hold the said office and perform the duties thereof. This act shall be deemed a public act and be benignly construed in all courts and places to effectuate the objects thereof. Trustees elected under the provisions of this act shall give such bonds for the faithful performance of their duties and trusts as are required by the constitution and general regulations of the grand lodge if any and the by-laws of the lodge for which they were elected trustees.

Failure to elect trustees.

Act, how construed.

Bonds of trustees.

§ 2. This act shall take effect immediately.

CHAP. 70.

AN ACT for the relief of the county treasurer of Cattaraugus county.

PASSED March 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven shall not apply to the county of Cattaraugus until the first day of January, eighteen hundred and seventy-nine.

§ 2. This act shall take effect immediately.

CHAP. 71.

AN ACT to repeal chapter eighty-two of the laws of eighteen hundred and seventy-two, entitled "An Act to prevent the cutting of ice in Chautauqua lake."

PASSED March 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter eighty-two of the laws of eighteen hundred and seventy-two, entitled "An Act to prevent the cutting of ice in Chautauqua lake," is hereby repealed.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 72.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof."

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of chapter two hundred and twenty of the laws of eighteen hundred and sixty-two, entitled "An act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof," is hereby amended so as to read as follows :

Pupils,
number of
and how
selected.

Manner of
receiving
pupils.

§ 18. There shall be received and supported gratuitously in the asylum one hundred and twenty pupils, to be selected in equal numbers, as near as may be, from each judicial district, from those whose parents or guardians are unable to provide for their support therein, to be designated as state pupils; and such additional number of idiots as can be conveniently accommodated may be received into the asylum by the trustees, on such terms as may be just. But no idiot shall be received into the asylum without there shall have been first lodged with the superintendent thereof a request to that effect, under the hand of the person by whose direction he is sent, stating the age and place of nativity, if known, of the idiot, his christian and surname, the town or city and county in which they severally reside; the ability or otherwise of the idiot, his parents or guardians, to provide for his support in whole or in part, and if in part only, then what part; and the degree of relationship, or other circumstance of connection between him and the person requesting his admission; which statement shall be verified in writing, by the oath of two disinterested persons, residents of the same county with the idiot, acquainted with the facts and circumstances so stated, and certified to be credible by the county judge of the same county. And no idiot shall be received into said asylum unless the county judge of the county liable for his support shall certify that such idiot is an eligible and proper candidate for admission to said asylum as aforesaid, provided, however, that idiots may be received into said asylum upon the application therefor signed officially by any county superintendent of the poor or by the commissioners of charity of any of the cities of this state, where such commissioners exist.

§ 2. This act shall take effect immediately.

CHAP. 73.

AN ACT to amend chapter eight hundred and eighty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,'" passed March twenty-eighth, eighteen hundred and fifty-five.

PASSED March 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of title three of chapter eight hundred and eighty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,'" passed March twenty-eighth, eighteen hundred and fifty-five, is hereby amended so as to read as follows :

§ 9. If any tax on any real estate in said village mentioned in the tax list delivered to the collector, whether the same be non-resident lands or not or the taxes upon non-resident stockholders in banking associations organized under laws of congress, shall be unpaid at the time he is required by law to return his warrant, he shall deliver to the board of trustees of said village an account of the taxes so remaining unpaid, containing a description of the lots and pieces of land upon which such taxes were imposed, as the same were stated in his tax list, together with the amount of the tax assessed on each, and upon making oath before any justice of the peace or judge of any court of record that the taxes mentioned in any such account remain unpaid, and that after diligent efforts, he has been unable to collect the same, he shall be credited by said board of trustees with the amount so remaining unpaid. And upon receiving any such account from such collector, the said board of trustees shall compare it with the original tax list, and, if they find it to be a true transcript, the said board of trustees shall add to such account their certificate, to the effect that they have compared it with the original tax list, and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county of Cayuga, and thereupon the said county treasurer shall pay to the said board of trustees the amount of taxes so returned as unpaid, out of any of the moneys in said county treasury raised for contingent expenses.

Account
of unpaid
taxes.

Trustees
to certify
and trans-
mit to
county
treasurer.

Treasurer
to pay
trustees.

§ 2. Section ten of title three of said chapter is hereby amended to read as follows :

§ 10. Any such affidavit, certificate and account shall be laid by said county treasurer before the board of supervisors of said county, who shall cause the amount of said unpaid taxes, with seven per cent of the amount in addition thereto, to be levied upon the lands upon which said taxes were imposed, and if imposed upon the lands of any incorporated company, then upon such company, and, when collected, the same shall be returned to said county treasurer, to reimburse the amount advanced, with the expenses of collection ; and any person whose lands are included in any such account may pay the same, with interest, at any time before the supervisors shall direct the same to be

Supervis-
ors to levy
amount.

Treasurer
to be reim-
bursed.

Taxes,
when may
be paid to

treasurer,
and how
collected.

Provision
in case
similar
account
has been
trans-
mitted to
to comp-
troller.

levied, to the said county treasurer, and the same proceedings in all respects shall be had for the collection of the amounts so directed by the board of supervisors as are provided by law in relation to county taxes; and upon a similar account, as in case of county taxes—of the arrears thereof uncollected—being transmitted by the county treasurer to the comptroller, the same shall be paid on his warrant to the treasurer of said county of Cayuga, and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon lands of non-residents.

§ 3. Section eleven of title three of said chapter is hereby amended so as to read as follows:

Sidewalks.

In what
case trus-
tees may
build, re-
pair, etc.

§ 11. It shall be the duty of the trustees of said village to cause all sidewalks on the streets in said village, to be built, leveled, raised, graveled, flagged, repaired and ornamented with trees of such material and kind, and quality and quantity, and of such width, height and shape and manner of construction as they shall determine, in front of all lots and premises within said village, whether the same be vacant or occupied; and in case the owner or occupants of such lots or premises shall neglect or refuse to build, level, raise, gravel, flag or repair such sidewalk in front of such lot or premises, and to ornament the same with trees, and to complete the same in accordance with the specifications, directions and requirements of said trustees, within thirty days after a written or printed notice shall be served by said trustees on such owner or owners, occupant or occupants, stating the particular sidewalk to be built or repaired as aforesaid, and the material and kind and quality to be used, and the width, height and shape and manner of construction of such walk, or the trees to be set, which notice must be personally served on such owner or occupant, or by leaving a copy thereof at his or her place of residence, with some person of suitable age to know what is intended, if said owner or occupant be a resident of said village, and if a non-resident of said village, the same may be served by mail in the usual manner of serving notices by mail. It shall be the duty of said trustees to build or cause such sidewalk to be built, leveled, raised, graveled, flagged or repaired, and ornamented with trees, according to the specifications in such notice; and they may, and shall for that purpose, use the funds of said village, and the costs and expenses of building or repairing such sidewalk and ornamenting the same with trees may be added to the amount of tax levied upon said lot or premises for any other purpose, and be collected in the same manner as any other tax levied upon said lot or premises, according to the provisions of this act.

Expenses,
how paid.

§ 4. This act shall take effect immediately.

CHAP. 74.

AN ACT to authorize the board of supervisors of Delaware county to issue bonds to provide for the payment of the indebtedness of said county.

PASSED March 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- SECTION 1. The board of supervisors of Delaware county is hereby authorized to issue bonds to the amount of twenty-five thousand dollars in denominations of not less than one hundred dollars or more than one thousand dollars, which shall be sealed with the seal of said board, signed by the chairman and clerk thereof, countersigned by the county clerk of said county and registered in the office of said county clerk, and when issued to be disposed of by or under the direction of said board at not less than their par value. Bonds may be issued.
- § 2. The bonds authorized to be issued by the preceding section shall bear interest at a rate not exceeding six per cent per annum payable annually, on the first day of February in each year, until they respectively mature, and the principal thereof shall become due and payable as follows : three thousand dollars on the first day of February, one thousand eight hundred and eighty ; three thousand dollars on the first day of February in each and every year thereafter until the year one thousand eight hundred and eighty-seven, and four thousand dollars on the first day of February, one thousand eight hundred and eighty-seven. Execution of bonds and sale of.
- § 3. The money realized by the sale of said bonds shall be deposited in the treasury of the county of Delaware and shall be used and applied by the treasurer of such county in paying the outstanding indebtedness of such county that shall exist when such money is received by him as such treasurer. Interest.
- § 4. The notes and other evidences of indebtedness which shall be paid by such treasurer in pursuance of the last preceding section shall not be destroyed, but they shall be canceled and filed by him and preserved as vouchers in the office of such treasurer. Principal, when payable.
- § 5. The said board of supervisors shall cause to be levied, by tax upon the taxable property of said county, and to be collected and paid annually such sums, from time to time, as shall be necessary to pay the interest on the bonds to be issued as aforesaid, and for the purpose of paying the bonds authorized to be issued as aforesaid, the said board of supervisors shall, from time to time, cause to be levied by tax upon the taxable property of such county, and to be collected and paid such sum as shall be necessary to redeem such bonds to the amount of three thousand dollars which shall become due and payable on the first day of February, one thousand eight hundred and eighty, and on the first day of February, in each and every year thereafter, until the year one thousand eight hundred and eighty-seven, and also to the amount of four thousand dollars on the first day of February, one thousand eight hundred and eighty-seven. Proceeds, how applied.
- § 6. The bonds issued as aforesaid shall be paid by the treasurer of such county at their maturity and canceled and filed by him and preserved as vouchers in the office of such treasurer. Notes, etc., paid, to be canceled and filed.
- § 7. This act shall take effect immediately. Payment of interest and principal.
- § 8. The bonds issued as aforesaid shall be paid by the treasurer of such county at their maturity and canceled and filed by him and preserved as vouchers in the office of such treasurer. Cancellation of bonds.

CHAP. 75.

AN ACT in relation to the bonded indebtedness of villages, cities, towns and counties.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

How present bonded indebtedness may be paid.

SECTION 1. The present bonded indebtedness of any village, city, town or county, may be paid up or retired by the issuance of bonds of the same amount by the constituted and statutory authorities having charge and power by law over the interests of the bond payers, provided, however, and only when such existing bonds can be retired or paid by the substitution of or money realized by such issuance of new bonds in the place and stead of existing bonds bearing a lower rate of interest than the bonds so authorized to be retired or paid.

Existing bonds may be exchanged for new bonds.

§ 2. In case any holders of any such existing bonds shall be willing to surrender bonds of any village, city, town or county, and accept in their place and stead other bonds at a lower rate of interest, exchanging said existing bonds for such new bonds at the par value of each, then the constituted and statutory authorities of any such village, city, town or county, prescribed in the first section of this act, may, in their discretion, make such exchange by the retiring of such existing bonds and the substitution and issuance therefor of such new bonds, and may extend the date of the payment of such substituted bond for a period not exceeding twenty years beyond the time when the principal of such existing bond so surrendered would have become payable.

Date of payment.

Bonds becoming due, new bonds may be issued for.

Proviso.

§ 3. Whenever any bonds of any village, city, town or county shall become due and payable, or in anticipation thereof, the constituted and statutory authorities having the power by law over the interests of the bond payers may, in their discretion, cause to be issued in proper form new bonds having not more than thirty years to run, provided, however, such new bonds shall be sold at public auction after due notice, as now required by law in the case of the sale of mortgaged real estate under a decree of foreclosure in the supreme court, and the terms of such sale of said bonds shall be that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or in part shall be issued, and further provided, that in no case shall new bonds be sold except at a lower rate of interest than that borne by the bonds then due and payable; such new bonds shall bear date and draw interest from the date of the payment of the bonds then due.

Date of new bonds.

Proceeds of sale, how applied.

Payments.

§ 4. The moneys arising from the sale of new bonds as provided in the foregoing section, shall be applied to the payment and satisfaction of the bonds then becoming due and payable.

§ 5. The principal of all bonds authorized to be issued pursuant to the provisions of this act may be made payable in installments yearly, or in periods of years not extending beyond the limit herein made, as shall be determined by the authorities hereby empowered to issue them, but nothing in this act contained shall be so construed as to

permit any village, city, town or county in this state to increase its present bonded indebtedness.

Increase of indebtedness not authorized. Exemptions.

§ 6. The city and county of New York, the city of Brooklyn and the county of Niagara shall be exempt from the provisions of this act.

§ 7. This act shall take effect immediately.

CHAP. 76.

AN ACT to legalize and confirm the acts of the officers of the Dundee Union Agricultural Society and to provide for the election of officers for the same.

PASSED March 25, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The president and secretary of the Dundee Union Agricultural Society upon the passage of this act are hereby authorized to call a meeting of the members of said society by giving the usual notice for the purpose of electing officers, who shall serve until the second Saturday in January, eighteen hundred and seventy-nine, and until their successors in office are chosen.

Meeting for election of officers.

§ 2. The acts of the officers of the said society from the formation of the same are hereby legalized and confirmed notwithstanding any informalities in their election.

Acts of officers legalized.

§ 3. This act shall take effect immediately.

CHAP. 77.

AN ACT to amend subdivision four of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, entitled An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision four of section one of chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-six, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

4. To apportion as such board may deem equitable the expense of the construction of any public bridge (except on the Hudson river below Waterford, and on the East river, or over the waters forming the boundaries of the state) over a stream or other water forming the boundary line of counties between the towns at such point. Where

To apportion expenses of bridges between counties.

the board of supervisors shall deem that the construction of such bridge is a general benefit to the county, they shall determine what proportion of the expense thereof should be borne by the respective counties or by the respective towns of such counties, and to authorize any town on the vote of the majority of the electors voting at any annual town meeting or regular called special town meeting, to appropriate such a sum to be raised as other bridge moneys are raised, to aid in the construction and maintenance of any bridge outside the boundaries of the town or county, but forming a continuation of highways leading from such town or county, and deemed necessary for the public convenience.

§ 2. This act shall take effect immediately.

CHAP. 78.

AN ACT to authorize the town of Otsego, in the county of Otsego, to issue bonds to redeem and pay the bonds issued by said town in aid of the Cooperstown and Susquehanna Valley Railroad Company by virtue of chapter seven hundred and fifty-eight of the laws of eighteen hundred and sixty-five, and by virtue of chapter four hundred and twenty-two of the laws of eighteen hundred and sixty-seven.

PASSED March 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners
may issue
bonds.

Amount
and pur-
pose of.

Interest.

Sale of
bonds.

SECTION 1. The commissioners of the town of Otsego, elected under chapter seven hundred and fifty-eight of the laws of eighteen hundred and sixty-five, as amended by chapter two hundred and four of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter seven hundred and fifty-eight of the laws of eighteen hundred and sixty-five, entitled "An act to authorize the town of Otsego, Hartwick and Middlefield in the county of Otsego, to issue bonds and subscribe and take for said towns capital stock in the Cooperstown and Susquehanna Valley Railroad Company," and their successors in office are hereby authorized and empowered to issue bonds of said town of Otsego, in the form of, and executed as, the bonds of said town now outstanding, to the amount of seven thousand and five hundred dollars each and every year hereafter, for the purpose of redeeming and paying the like amount of bonds falling due each and every year issued in aid of the Cooperstown and Susquehanna Valley Railroad Company, as the same shall become due and payable.

§ 2. The bonds issued in pursuance of this act shall bear interest at the rate of not more than six per centum per annum, payable semi-annually, with interest coupons attached, and shall run not more than twenty years and shall not be sold for a sum less than par, and the moneys received therefor shall be used by said commissioners to redeem and pay the bonds issued by said town of Otsego as aforesaid, as said bonds become due and payable, and for no other purpose.

§ 3. It shall be the duty of the said commissioners to report to the board of supervisors of Otsego county, each and every year hereafter, the amount of money necessary to be raised to pay the interest and principal (if any) due or to become due on the bonds issued in pursuance of this act during the year next following the meeting of said board. And it shall be the duty of said board of supervisors to levy and impose a tax upon the taxable property in said town of Otsego for the payment of the interest and principal (if any) as it becomes due on said bonds so issued and outstanding, as reported and certified by said commissioners, and when collected shall be paid over to said commissioners and by them applied to the payment of the interest as it becomes due on said bonds, and in payment of the principal if any shall be due and unpaid during said year.

Payment
of principal
and
interest.

§ 4. Nothing in this act contained shall be so construed as to authorize or empower the said commissioners to increase or enlarge the indebtedness of said town of Otsego.

Increase
of indebtedness
not
authorized.

§ 5. All bonds redeemed and paid by said commissioners shall be destroyed immediately, and not used for any purpose, and said commissioners shall keep a record of their doings under this act, and report the same to the board of supervisors of said county of Otsego each and every year hereafter.

Record to
be kept.

§ 6. This act shall take effect immediately.

CHAP. 79.

AN ACT to confirm the official acts of Samuel H. Case, John M. Watkins and William W. Snow, commissioners of excise in and for the town of Oneonta, in the county of Otsego.

PASSED March 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All acts and proceedings of Samuel H. Case, John M. Watkins and William W. Snow, as commissioners of excise in and for the town of Oneonta, in the county of Otsego, since the commencement of the term of office for which they were elected, to wit : since the ninth day of February, eighteen hundred and seventy-five, are hereby declared as valid and of as full effect as if they had executed a proper bond, in due form, to the supervisor of said town of Oneonta, and such bond had been approved by such supervisor ; but this act shall not affect the rights of any party to any suit or legal proceeding commenced prior to its passage.

Acts of
commissioners of
excise
legalized.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 80.

AN ACT to authorize the village of Richfield Springs, in the county of Otsego, to refund its funded debt.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners
may exe-
cute
bonds.

Interest.
Bonds,
when pay-
able.

Disposi-
tion of
bonds.

Proceeds,
how ap-
plied.

Annual
payment
of bonds.

Cancell-
ation of
bonds.

Commis-
sioners to
give
bonds.

SECTION 1. It shall be lawful for the commissioners of the village of Richfield Springs, in the county of Otsego, appointed under and pursuant to the provisions of section three of chapter nine hundred and seven of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled 'an act to authorize the formation of railroad corporations and to regulate the same,' passed April second, eighteen hundred and fifty, so as to permit municipal corporations to aid in the construction of railroads," to execute bonds, which shall be attested by the corporate seal of said village, chargeable on the faith and credit of said village, not exceeding the sum of twenty thousand dollars, at a rate of interest not exceeding seven per centum per annum. The bonds so to be executed may be in such sums and payable at such times and places not exceeding the term of twenty-five years, and in such form as the said commissioners and their successors may deem expedient.

§ 2. The said commissioners may in their discretion dispose of said bonds, or any part thereof, to such persons or corporations, upon such terms, and in such manner as they shall deem most advantageous to said village, either at public or private sale, but for not less than par, and all the proceeds arising from the sale thereof shall be used by said commissioners to redeem and pay off the outstanding bonds of said village, issued under and pursuant to the provisions of said chapter nine hundred and seven, laws of eighteen hundred and sixty-nine.

§ 3. The said commissioners shall also provide, within five years from the time of issuing said bonds, for the annual payment of at least five per centum of the same, so as to insure the final liquidation of said bonds within twenty-five years after their date, and for this purpose all moneys necessary so to be raised shall be annually reported to the trustees of said village, by said commissioners or their successors, to enable said trustees to levy and assess the same upon the taxable property of said village agreeably to the provisions of its charter.

§ 4. The bonds so redeemed and paid by said commissioners or their successors, and all coupons of interest thereto attached, shall be canceled by the commissioners and deposited in the county clerk's office of said county of Otsego, pursuant to the provisions of chapter five hundred and thirty-seven, laws of eighteen hundred and seventy-one.

§ 5. Before the said commissioners or either of them, or their successors or either of them, shall enter upon the discharge of his or their duties under this act, they shall jointly or severally, with two or more sureties, execute to the trustees of said village a bond in a penal sum equal to the amount of bonds to be issued by said commissioners under and by virtue of this act, conditioned for the faithful perform-

ance and discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys realized by them, or coming into their hands under its provisions, according to the true intent and meaning thereof. The sufficiency of said sureties shall be determined by the said trustees, or their successors, to be indorsed on said bond. The said bond shall be immediately thereafter deposited with the president of the board of trustees of said village, to be collected by said board or their successors in office, for the use and benefit of said village, in case the said commissioners or either of them shall be guilty of such a breach of duty, or malfeasance in office, as to render said bond collectible.

Bond to be deposited with president of village.

§ 6. This act shall take effect immediately.

CHAP. 81.

AN ACT to amend chapter two hundred and twenty five of the laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Ladies' Union Aid Society of the Methodist Episcopal Church in the city of New York."

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter two hundred and twenty-five of the laws of eighteen hundred and fifty-one, entitled "An act to incorporate the Ladies' Union Aid Society of the Methodist Episcopal Church in the city of New York," is hereby amended so as to read as follows:

§ 1. Mrs. W. M. Mason, Mrs. E. A. Farr, Mrs. Henry Moore, Mrs. Benjamin F. Howe, Mrs. William Graham, Mrs. W. B. Thompson, Mrs. John A. Kennedy, Mrs. John D. Adams, and Miss Mary E. E. Bangs, and such other persons as are now associated or may hereafter associate with them, and their successors, are hereby constituted a body corporate by the name of "The Methodist Episcopal Church Home in the city of New York."

Corporators.

Corporate name.

§ 2. Section three of said act is hereby amended to read as follows:

§ 3. The said corporation may purchase and hold real and personal estate, and may take and hold real and personal estate by bequest or devise, subject to the restrictions, imposed by chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act relating to wills." But the annual income of real or personal estate which said corporation may at any one time hold shall not exceed fifty thousand dollars. And all of the real estate owned by said corporation shall be exempt from taxation so long as the same, or the income thereof, shall be used exclusively for the purposes of said corporation.

May hold real and personal estate

Annual income limited.

Taxation.

§ 3. This act shall take effect immediately.

CHAP. 82.

AN ACT to amend chapter one hundred and forty-seven, of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the erection of a town hall in the town of Jamaica, in the county of Queens.

PASSED March 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and forty-seven of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the erection of a town hall in the town of Jamaica, in the county of Queens," is hereby amended to read as follows:

Trustees,
appoint-
ment and
duties of.

§ 3. The board of town officers of the town of Jamaica shall appoint three trustees and determine their term of office. Said trustees shall have the care and custody of said town hall under such rules and regulations as the said board of town officers shall establish, but the title to the said town hall and to the site thereof, shall be deemed to be vested in the said town of Jamaica. The said trustees may rent said hall when not required for town purposes, and may collect and receive the rent therefor. The rents so collected and received by them to defray the expenses of keeping said hall in repair and taking care of the same. Any excess of said rents, over and above said expenses, shall be paid by said trustees to the overseer of the poor of said town, for the support of the poor of said town.

§ 2. This act shall take effect immediately.

CHAP. 83.

AN ACT in relation to the local judiciary of Long Island City.

PASSED March 28, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City court,
office of
city judge
and of
clerk abol-
ished.

Actions
pending,
etc., not
affected.

Civil ac-
tions and
proceed-

SECTION 1. The city court of Long Island City, and the office of the city judge of Long Island City, and the office of clerk to the city court of Long Island City, shall be and the said court and offices hereby severally are abolished from and after the first Tuesday of June, eighteen hundred and seventy-eight, but the provisions of this act shall not vacate or discontinue any action or proceeding pending in said court, or before said city judge, or in any manner affect or impair any judgment rendered in said court, or prevent the full enforcement and execution thereof, or the prosecution of any recognizance that may have been forfeited.

§ 2. Every civil action and every civil proceeding pending and undetermined in said city court on the said first Tuesday of June, eighteen

hundred and seventy-eight, shall then be and hereby is transferred to and vested in the county court of Queens county, in cases where the action or proceeding is cognizable and within the jurisdiction of such county court, and in all other cases shall be and hereby is transferred to and vested in the supreme court of this state.

ings pend-
ing, trans-
fer of.

§ 3. The court to which such transfer is made shall thereupon have full jurisdiction of the actions and proceedings so transferred, and shall continue the same and proceed therein, and shall have authority to issue executions on all judgments in civil actions entered in said city court, as upon judgments entered in the court to which such transfer is made, and in the same manner and with like effect, and full power is hereby conferred for the enforcement of such judgments.

Jurisdic-
tion of
court to
which
transfer is
made.

§ 4. All proceedings in aid of and supplementary to executions and all other proceedings pending before the city judge, on the said first Tuesday of June, eighteen hundred and seventy-eight, may be, and shall be, continued and prosecuted to conclusion, before the county judge of Queens county, in whom jurisdiction is hereby vested for that purpose.

Proceed-
ings pend-
ing before
judge.

§ 5. All criminal actions, indictments and proceedings pending and undetermined in said city court on the said first Tuesday of June, eighteen hundred and seventy-eight, shall then be and hereby are transferred to and vested in the court of sessions of Queens county, and that court shall thereupon have full jurisdiction thereof, and authority to continue and proceed therein, and may enforce all judgments, orders and decisions that have been or shall be entered in such actions or proceedings.

Criminal
actions,
etc.

§ 6. All parties and witnesses then bound by recognizance to appear in said city court, are hereby required and bound to appear in the said court of sessions at the first term thereof, to be held after the said first Tuesday of June, eighteen hundred and seventy-eight, and that court, on their failure so to appear, may declare such recognizance to be forfeited, and the same proceedings may be had thereon as if such appearance had been originally required and ordered therein.

Parties
and wit-
nesses re-
cognized.

§ 7. All persons sentenced to imprisonment by the said city court shall be confined and imprisoned in conformity to such sentence, notwithstanding any of the provisions of this act.

Sentences.

§ 8. All pleadings, indictments, documents, records and papers of every nature relating to or affecting any action or proceeding in said city court or before said city judge, which shall be on file in the office of or within the custody or control of the clerk to the city court of Long Island City, shall be transferred by said clerk to the office of the clerk of Queens county on the said first Tuesday of June, eighteen hundred and seventy-eight, or within ten days thereafter, and shall then be delivered by the clerk of the said city court to the county clerk aforesaid, who shall receive and file the same in his office.

Records of
court,
transfer
of.

§ 9. Parties and witnesses in criminal cases arising in said city may hereafter be committed or bound by recognizance to appear before the court of sessions or the court of oyer and terminer in said county, as the nature of the offense and the circumstances of the case may require.

Parties
and wit-
nesses
recognized
hereafter.

§ 10. Appeals from judgments of the police and civil justices of said city in any civil or criminal actions or proceedings may hereafter be taken to the county court of Queens county, in like cases and in the same manner and with the same force and effect, and subject to the same terms, conditions, provisions and restrictions, and the mode of

Police and
civil jus-
tices, ap-
peals from
judgments
of.

procedure thereon shall be the same as are prescribed by law for like appeals from judgments rendered by justices of the peace in the towns in said county.

Judgments, decisions, etc., how reviewed.

§ 11. Any judgment, order, decision or determination of said police or civil justices may be reviewed, corrected, modified or set aside, on appeal, certiorari or otherwise, in like cases, for the same causes, by the same court or officers, on the same terms, in the same manner, to the same extent, and with the same force and effect, in all respects, as similar judgments, orders, decisions or determinations, made by justices of the peace in the towns of said county, may be reviewed, corrected, modified or set aside.

Default.

§ 12. Any default taken before said police or civil justices may be opened, and any judgment, order, decision or determination made or entered by default may be modified, vacated or set aside, and the party against whom such judgment, order, decision or determination may have been rendered or made may be let in to prosecute or defend, in like cases, for like causes, by the same courts or officers, on the same terms, in the same manner, to the same extent and with the same force and effect, in all respects, as similar defaults taken before justices of the peace in the towns in said county may be opened, and as similar judgments, orders, decisions or determinations made or entered by default before justices of the peace in the towns of said county may be modified, vacated or set aside, and the party against whom the same may have been made or rendered may be let in to prosecute or defend.

Powers, jurisdiction, etc., of courts and judges over civil and police districts.

§ 13. The powers, duties, functions and jurisdiction of the supreme court, the court of oyer and terminer, the county court, and court of sessions in Queens county, and of the justices of the supreme court and the county judge of Queens county, over, in regard to, or in any way affecting the civil and police districts of Long Island City and over, in regard to, or in any way affecting any judgment, order, decision or determination, made or rendered by said civil or police districts, or either of them, or by any court constituted of or held in whole or in part by them, or either of them, shall be the same in all respects as the powers, duties, functions and jurisdiction of said courts, justices of the supreme court, and county judge respectively over, in regard to, or in any way affecting justices of the peace in the towns of Queens county, and over, in regard to, or in any way affecting like judgments, orders, decisions and determinations, made or rendered by such justices of the peace, or either of them, or by any court constituted of or held in whole or in part by such justices of the peace, or any of them.

§ 14. This act shall take effect immediately.

CHAP. 84.

AN ACT to amend chapter two hundred and sixty-three, of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter three hundred and thirty-four, of the laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown and to enlarge the powers of the corporation."

PASSED March 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of title two of chapter two hundred and thirty-four of the laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown and to enlarge the powers of the corporation," as amended by chapter two hundred and sixty-three of the laws eighteen hundred and seventy-three, is hereby further amended so as to read as follows:

§ 3. At each annual election thereafter there shall be elected three trustees, whose terms of office shall expire in two years from the date of their election; there shall be elected at such election three assessors, one clerk, one treasurer and one collector whose terms of office shall expire one year from and after their election. Each officer created by appointment shall hold his office for one year from the time of such appointment, or until a successor is appointed unless sooner removed; any appointed officer may be removed from his office by the trustees of said village at any time, in their discretion, by a majority vote of those voting at any regular meeting of the board of trustees, always provided that a written notice shall be given at least one week previous.

Trustees
and other
officers,
election
of.

Terms of
office
of officers
appointed,
etc.

§ 2. This act shall take effect immediately.

CHAP. 85.

AN ACT to amend chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," and to amend the title of said act.

PASSED March 29, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," is hereby amended so as to read as follows:

§ 2. The charter so filed shall set forth the name of the company, the town and county, the mode and manner in which the corporate

Charter,
what to
contain.

Capital. powers granted by this act, are to be exercised, the duration of the charter which shall not exceed twenty-five years, the number of trustees or directors, and the mode and manner of electing them for the first year, and of filling vacancies, the period for the commencement and termination of its fiscal year, and the amount of capital to be employed in the transaction of its business; but no company shall be organized under this act with a capital of less than one thousand dollars, nor shall the declaration or charter of any company proposed to be formed be filed as required by the first section of this act except upon due and sufficient proof to be made to the secretary of state, upon the oath of at least two of the corporators, that the whole amount of said capital has been subscribed in good faith and at least ten per cent thereof actually paid in, in cash.

§ 2. Section five of said act is hereby amended so as to read as follows:

President and directors. § 5. The business of the companies incorporated under this act shall be managed and conducted by a president, a board of not less than three directors and a treasurer, who shall be chosen annually by the stockholders, and shall hold their offices until others are chosen and qualified in their stead, and by such other officers as they may prescribe by their by-laws. At elections of officers, and at all other meetings each stockholder shall have one vote and no more. **Elections.** **Name.** Companies organized under this act shall have the word "co-operative," as a part of their corporate or business name wherever used, either in advertising or transacting their business.

§ 3. Section six of said act is hereby amended so as to read as follows:

By-laws. § 6. The corporators or trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the laws of this state, as may be deemed necessary for the government of its officers and the conducting of its affairs, and the same to alter and amend at pleasure; and they may also, by such by-laws, provide as to the manner of paying in the capital stock, and the manner of issuing certificates thereof, as to the manner of conducting the elections in said company, as to the control of its affairs that each officer shall have, as to the number of shares each stockholder may hold, as to the manner of compelling the transfer or exchange of stock any one stockholder may acquire, in excess of such number of shares, as to the manner of distributing the profits, and in such proportion as may be thought proper, upon the labor and patronage in the business of said company; as to the amount and time for which debts may be contracted, and as to the time and manner in which the trustees or directors shall make reports, and render accounts, as to the condition of the company and its affairs. **Dividends.** But every such company shall at the beginning of each fiscal year, fix and determine the maximum per cent of dividend which may be apportioned upon the stock out of the profits which may accrue during the year.

Title of act. § 4. The title of said act is hereby amended so as to read "An act incorporating co-operative companies."

§ 5. All acts or parts of acts so far as they are in conflict herewith are hereby repealed.

CHAP. 86.

AN ACT in relation to the officers and medical staff of Willard Asylum for the Insane.

PASSED March 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the Willard Asylum for the Insane are authorized in their discretion to appoint, on the nomination of the superintendent of said asylum, an additional assistant physician, whose salary shall be fixed and paid in the same manner as those of the other resident officers of the asylum, provided the salaries of such resident officers shall not exceed in the aggregate eleven thousand eight hundred and fifty dollars.

§ 2. This act shall take effect immediately.

CHAP. 87.

AN ACT to authorize the extension of the time for the collection of taxes, in the several towns in Cayuga county and the city of Auburn, in the same county.

PASSED March 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector of taxes of any town in Cayuga county, or receiver of taxes for the city of Auburn, shall pay over all moneys collected by him, shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents, and shall renew his bond as herein provided, the time for the collection of all other taxes and for making return thereof by him, shall be and is hereby extended to the first day of May, eighteen hundred and seventy-eight. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof; the penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall be delivered to the county treasurer of the county in which said town is, but nothing herein contained shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller, as now provided by law.

When time
to be ex-
tended.

Bond.

Payment
of state
tax not ex-
tended.

§ 2. This act shall take effect immediately.

CHAP. 88.

AN ACT to establish the exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side.

PASSED March 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Exterior
bulkhead
and pier
lines es-
tablished.

Descrip-
tion.

SECTION 1. The exterior bulk-head and pier lines of the harbor of New York, on the Staten Island side, are hereby declared to be established for that portion of said harbor extending from Fort Wadsworth at the Narrows to the entrance of Kill Von Kull, on the lines and at the distances from the shores of Staten Island, as shown on a map, entitled "Hydrographic chart, showing the proposed pier and bulk-head lines between Fort Wadsworth and New Brighton, Staten Island, New York harbor," and signed April fifth, eighteen hundred and seventy-seven, by A. A. Humphreys, brigadier-general and chief of engineers, United States army; O. P. Patterson, superintendent coast survey, and John Newton, lieutenant-colonel of engineers and brevet major-general; said map being filed in the office of the secretary of state of this state, and the lines being described as follows: beginning at the north east angle of the cofferdam crib at Fort Wadsworth, and running thence on a straight line six thousand feet to a point on the south boundary of Maple avenue produced easterly one thousand three hundred and eighty-five feet from the west line of New York avenue, thence curving eastward with a uniform radius of twenty-six thousand five hundred feet, a distance of nineteen hundred feet to a point on the south line of Vanderbilt avenue produced easterly one thousand four hundred and sixty-five feet from the west line of Bay street, thence curving eastward with a uniform radius of three thousand three hundred and thirty-three feet, a distance of one thousand feet to a point on the south line of Canal street produced easterly one thousand seven hundred and twenty-five feet from the east line of Bay street, thence curving easterly with a uniform radius of ten thousand nine hundred feet, a distance of one thousand and ninety-five feet to a point on the south line of Wave street produced easterly one thousand seven hundred and sixty-five feet from the east line of Bay street, thence curving easterly with a uniform radius of six thousand four hundred feet, a distance of one thousand two hundred and twenty-five feet to a point on the south line of Washington street produced easterly one thousand one hundred and sixty-five feet from the west line of Bay street, thence running on a straight line one thousand six hundred and twenty feet to a point on the south line of Arrietta street produced easterly one thousand three hundred and eighty feet from the east line of Griffin street, thence running on a straight line one thousand six hundred and thirty feet to a point on the south line of South street produced easterly one thousand one hundred feet from the east line of Stuyvesant street, thence curving westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of nine hundred and sixteen feet to a point on the south line of Dekalb street produced easterly seven hundred and ten feet from the west line of Brighton Place, thence curving

westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of eight hundred and fifty feet to a point on the south line of Hamilton avenue produced easterly eight hundred and fifty feet from the west line of Jay street, thence curving westerly with a uniform radius of three thousand one hundred and twenty-five feet, a distance of one thousand five hundred feet to a point on the south line of Nicholas street produced easterly five hundred and ninety feet from the west line of shore road leading from New Brighton landing to Tompkins Landing. The bulk-head line being parallel to the above described pier line and distant six hundred feet westerly therefrom.

§ 2. It shall be lawful for the owners of piers or bulk-heads constructed or hereafter to be constructed, or owners of land under water granted by the state of New York, on the Staten Island side of the harbor of New York, to extend or construct piers or bulk-heads to the exterior lines of piers and bulk-heads, respectively fixed and established by this act.

Piers or bulkheads may be extended.

§ 3. This act shall take effect immediately.

CHAP. 89.

AN ACT to release the interest of the people of the state of New York in and to all surplus moneys arising from the sale in mortgage foreclosure of certain real estate in the city of Albany, of which Joseph Kirk died seized, to John Kirk.

PASSED March 29, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, right, title and interest of the people of the state of New York of, in and to all surplus moneys arising from the sale on mortgage foreclosure of certain real estate in the city and county of Albany, and state of New York, of which Joseph Kirk, late of said city, died seized, in a certain action in the supreme court of said state wherein Francis N. Sill was plaintiff and George Kirk, as administrator of the estate of Joseph Kirk, deceased, and others were defendants, which real estate is briefly described as follows, to wit: All those two certain lots situate in the fourteenth ward in said city, in the block of ground lying immediately west of Eagle street, and which two lots are bounded and described as follows: Beginning at a point in the southerly line of Hudson street, being the northwest corner of a certain lot of ground heretofore owned by Dillon and Henry, and running thence westerly along the southerly line of Hudson street twenty-three feet, thence southerly on a line parallel to the westerly line of lots heretofore owned by said Dillon and Henry to the northerly line of Hamilton street, thence easterly along the northerly line of Hamilton street, twenty-three feet to the southwest corner of Dillon and Henry's said lots, thence northerly along the westerly line of said lots heretofore owned by said Dillon and Henry to the place of beginning, is hereby released to John Kirk, a brother of the said Joseph Kirk, deceased.

Title of the state released.

Not to
affect
rights of
heirs, etc.

§ 2. Nothing in this act contained shall be construed to impair or affect the right, interest or title to said moneys or any part thereof, of any heir at law, devisee, purchaser or creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 90.

AN ACT to amend chapter three hundred and eight of the laws of eighteen hundred and fifty-four, entitled "An act relative to the New York Baptist Union for Ministerial Education."

PASSED March 29, 1878.

The People of the State of New York, 'represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and eight of the laws of eighteen hundred and fifty-four, entitled "An act relative to the New York Baptist Union for Ministerial Education," is hereby amended so as to read as follows:

May hold
real or per-
sonal
property
in trust
for certain
purposes.

§ 1. The New York Baptist Union for Ministerial Education, incorporated under the act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, and their successors, by their corporate name, shall in law be capable of taking, receiving and holding real or personal property, by gift, grant, devise or bequest to the amount of one million dollars, and of holding the same, and the accumulations thereof, in trust for either of the following purposes:

1. To found and maintain professorships and scholarships, and otherwise provide for the support and instruction of such young men as shall give satisfactory evidence to the churches of which they are members, and to the trustees of the society, of their personal piety and of their call to the gospel ministry.

2. To establish and maintain a suitable library for the use of the said union.

3. For any other specific purpose comprehended in the general objects authorized by the act under which they are incorporated, and the various amendments thereto.

Trusts,
how
created
and held

The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by the said union; and all property which shall hereafter be granted or devised to the said New York Baptist Union for Ministerial Education, in trust for either of the aforesaid purposes, may be held by them subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

§ 2. This act shall take effect immediately.

CHAP. 91.

AN ACT to amend chapter thirty of the laws of eighteen hundred and seventy-three, entitled "An act to create a board of charities in and for the city of Utica."

PASSED March 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fourteen of chapter thirty of the laws of eighteen hundred and seventy-three, entitled "An act to create a board of charities in and for the city of Utica," is hereby amended so as to read as follows :

§ 14. All orders for assistance and relief to destitute applicants who may be entitled thereto and all commitments to the county poor-house or to the state lunatic asylum, and all proceedings in relation to bastardy shall be made, instituted and issued in the name of the board of charities of the city of Utica, by the clerk of said board, but no proceedings shall be instituted or had, and no such order or commitment shall be issued or made, except in pursuance of either general or special rules and regulations of said board, authorizing the same, and any clerk willfully violating this provision shall, upon conviction therefor, be sentenced to confinement in the Albany county penitentiary for a term not less than ninety days nor more than one year, or to pay a penalty of one hundred dollars for each offense, in the discretion of the court.

Orders for assistance, etc., to be made by clerk.

Penalty for violating this provision.

§ 2. This act shall take effect immediately.

CHAP. 92.

AN ACT making an appropriation to pay certain awards made by the canal appraisers, and to pay counsel employed in behalf of the State.

PASSED March 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums are hereby appropriated out of any unexpended moneys in the treasury belonging to the canal fund, and standing to the credit of the "fund for the enlargement of the Erie, the Oswego, the Cayuga and Seneca canals, and for the completion of the Black River and Genesee Valley canals, and for other purposes," for the following objects and purposes, to wit: The sum of sixty-nine thousand one hundred and eighty-five dollars and forty-three cents to pay the certificates issued for the awards made by the canal appraisers during the calendar year of eighteen hundred and seventy-seven, or the awards made by the canal board in lieu thereof on appeals from the original awards, or by the canal appraisers on any rehearing thereof, in favor of the following claimants, and for the amounts stated, except when reduced or modified by the canal board,

Appropriation for awards.

Awards.

namely : Albert M. Backus, five hundred and fourteen dollars and fifty cents ; George W. Broadwell, two hundred and fifteen dollars ; Noah Broadwell, one hundred and sixty dollars ; Ambrose Cram, three hundred and seventy-five dollars ; Albert Collins and Albert M. Backus, nine hundred and forty-three dollars ; Mary Jane Danolds, three hundred and fifty-one dollars ; Luther E. Fisk, six hundred and twenty-five dollars ; Jamin B. Hatch, one hundred and fifty-seven dollars and seventy-five cents ; Henry Hayward, seven hundred and four dollars ; Jacob R. Hoessli, fifteen hundred and sixty dollars ; Lewis B. Hurlburt, four hundred and fifteen dollars ; Andrew M. Hutchinson, two hundred and twenty-six dollars ; Josiah K. Lincoln and another, ninety-three hundred and eighty dollars ; William A. Loder, fifteen hundred dollars ; Patrick Moran, eleven hundred and forty-two dollars and twenty-five cents ; Lewis Porter, two hundred and eighteen dollars and fifty cents ; Robert Rackham, two hundred and fifty dollars ; Robert Rackham and another, one hundred and sixteen dollars ; Marvin Rich, two hundred and sixty-six dollars and twenty-five cents ; David B. Shedd, seventy-five dollars ; Alanson Spencer, six hundred and seventy-seven dollars and thirty-eight cents ; E. Benedict Strong, seven hundred and forty dollars ; Peter Wright, one thousand dollars ; George B. Bradley, six hundred and seventy-eight dollars and forty-four cents ; Fall Brook Coal Company, twenty-one thousand two hundred and thirty-two dollars and forty-one cents ; Johnson, Brough and Bostwick, thirty-six hundred and ninety-three dollars ; Benjamin F. Thurber, three hundred dollars ; John Visscher and John Randall, eleven thousand eight hundred and ninety-eight dollars ; Judson C. Dibble, one hundred and twenty dollars ; Frederick Timmerman, three hundred and eighty-seven dollars and forty cents ; Joseph J. Winn, seventy-five dollars ; Jesse Yaw, seventy-five dollars ; Joseph Collins, twenty-two hundred dollars ; Thomas R. Howard, nine hundred and twenty-seven dollars ; William Keane, one hundred and seventy-five dollars ; William H. Mors, one hundred and ninety dollars ; Thomas Ranney, one hundred and six dollars ; Orren Andrews, seventy-eight dollars and fifty cents ; Curtis Bacon, one hundred and sixty-five dollars ; Richard Bliss, four hundred and seventy-five dollars and twenty-five cents ; Henry M. and George Brownell, three hundred and forty-seven dollars ; Seth Hitchcock, one hundred and fifty-one dollars ; Sherman Kimberley, one hundred and fifty-eight dollars ; Spencer Peckham, one hundred and sixty-two dollars ; Sidney Putnam, nine hundred and ninety-five dollars ; Benjamin Simmons, three hundred and thirty-seven dollars and fifty cents ; Philip Tompkins, five hundred and forty-five dollars ; Sidney Tompkins, four hundred and forty-eight dollars ; Denslow R. Welch, thirteen hundred and sixty-nine dollars and fifty cents ; George B. Woodman, two hundred and eighty-four dollars. To pay Robert Warrall or his legal representatives the sum of two hundred and thirty-five dollars, for an amount awarded him by the canal appraisers, December twentieth, eighteen hundred and sixty-one. To pay the interest on the foregoing awards, or the sums awarded in lieu thereof, the sum of eight thousand three hundred and twenty-three dollars and eighty-eight cents, or so much thereof as may be necessary. To pay witness fees, the counsel employed by the canal commissioners, or either of them, or their successors, and the canal appraisers, for their services, disbursements and expenses incurred in the defense of claims

Interest.

Witness fees, etc.

against the state connected with the canals, the sum of ten thousand dollars, provided, however, that all bills or accounts for such services, disbursements or expenses shall, before payment, be presented to and audited by the canal board. Accounts, auditing of.

§ 2. Nothing in this act contained is designed, nor shall it be construed, to legalize any award for the payment of which appropriation is herein made, to waive any defense which the state may have to such award, whether of jurisdiction in the officer making the same or otherwise, or to authorize the payment of any award when there is evidence tending to show it was improperly made, or obtained through fraud. Act not intended to waive any defense of state, etc.

CHAP. 93.

AN ACT to authorize the religious society in the city of New York, known as the "Congregation Rodef Scholem," to buy, hold and dispose of land for cemetery purposes.

PASSED March 30, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The religious society or corporation in the city of New York, known as the "Congregation Rodef Scholem," are hereby authorized to purchase, hold and dispose of, for cemetery purposes, land not exceeding nine acres in extent, adjoining the cemetery known as Union cemetery in the town of Newtown in the county of Queens. May purchase land for cemetery.

§ 2. The said grounds and real estate occupied by said society shall not be exempt from taxation, but remain subject to all public, general and local taxes, rates or assessments, and for that purpose chargeable against said society as undivided real property; but the several lots or plots of ground assigned to individuals by said society when the same shall become occupied for burial purposes, shall not be liable to be sold on execution for debt, or in any manner be subject to the payment of any debts from any proprietor, his heirs or devisees so occupying the same, as long as the said grounds shall remain dedicated for the purpose aforesaid; and during such time no street, road or avenue shall be laid through said grounds without the consent of said society first had and obtained, except by permission of the legislature. Real estate, how taxed. Plots exempt from execution. Streets, etc.

§ 3. This act shall take effect immediately.

CHAP. 94.

AN ACT to amend chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers."

PASSED March 30, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter four hundred and thirty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in

procedure thereon shall be the same as are prescribed by law for like appeals from judgments rendered by justices of the peace in the towns in said county.

Judgments, decisions, etc., how reviewed.

§ 11. Any judgment, order, decision or determination of said police or civil justices may be reviewed, corrected, modified or set aside, on appeal, certiorari or otherwise, in like cases, for the same causes, by the same court or officers, on the same terms, in the same manner, to the same extent, and with the same force and effect, in all respects, as similar judgments, orders, decisions or determinations, made by justices of the peace in the towns of said county, may be reviewed, corrected, modified or set aside.

Default.

§ 12. Any default taken before said police or civil justices may be opened, and any judgment, order, decision or determination made or entered by default may be modified, vacated or set aside, and the party against whom such judgment, order, decision or determination may have been rendered or made may be let in to prosecute or defend, in like cases, for like causes, by the same courts or officers, on the same terms, in the same manner, to the same extent and with the same force and effect, in all respects, as similar defaults taken before justices of the peace in the towns in said county may be opened, and as similar judgments, orders, decisions or determinations made or entered by default before justices of the peace in the towns of said county may be modified, vacated or set aside, and the party against whom the same may have been made or rendered may be let in to prosecute or defend.

Powers, jurisdiction, etc., of courts and judges over civil and police districts.

§ 13. The powers, duties, functions and jurisdiction of the supreme court, the court of oyer and terminer, the county court, and court of sessions in Queens county, and of the justices of the supreme court and the county judge of Queens county, over, in regard to, or in any way affecting the civil and police districts of Long Island City and over, in regard to, or in any way affecting any judgment, order, decision or determination, made or rendered by said civil or police districts, or either of them, or by any court constituted of or held in whole or in part by them, or either of them, shall be the same in all respects as the powers, duties, functions and jurisdiction of said courts, justices of the supreme court, and county judge respectively over, in regard to, or in any way affecting justices of the peace in the towns of Queens county, and over, in regard to, or in any way affecting like judgments, orders, decisions and determinations, made or rendered by such justices of the peace, or either of them, or by any court constituted of or held in whole or in part by such justices of the peace, or any of them.

§ 14. This act shall take effect immediately.

CHAP. 84.

AN ACT to amend chapter two hundred and sixty-three, of the laws of eighteen hundred and seventy-three, entitled "An act to amend chapter three hundred and thirty-four, of the laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown and to enlarge the powers of the corporation."

PASSED March 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of title two of chapter two hundred and thirty-four of the laws of eighteen hundred and sixty-nine, entitled "An act to consolidate and amend the several acts relating to the village of Jamestown and to enlarge the powers of the corporation," as amended by chapter two hundred and sixty-three of the laws eighteen hundred and seventy-three, is hereby further amended so as to read as follows:

§ 3. At each annual election thereafter there shall be elected three trustees, whose terms of office shall expire in two years from the date of their election; there shall be elected at such election three assessors, one clerk, one treasurer and one collector whose terms of office shall expire one year from and after their election. Each officer created by appointment shall hold his office for one year from the time of such appointment, or until a successor is appointed unless sooner removed; any appointed officer may be removed from his office by the trustees of said village at any time, in their discretion, by a majority vote of those voting at any regular meeting of the board of trustees, always provided that a written notice shall be given at least one week previous.

Trustees and other officers, election of.

Terms of office of officers appointed, etc.

§ 2. This act shall take effect immediately.

CHAP. 85.

AN ACT to amend chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," and to amend the title of said act.

PASSED March 29, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter nine hundred and seventy-one of the laws of eighteen hundred and sixty-seven, entitled "An act for the incorporation of co-operative and industrial unions," is hereby amended so as to read as follows:

§ 2. The charter so filed shall set forth the name of the company, the town and county, the mode and manner in which the corporate

Charter, what to contain.

Capital. powers granted by this act, are to be exercised, the duration of the charter which shall not exceed twenty-five years, the number of trustees or directors, and the mode and manner of electing them for the first year, and of filling vacancies, the period for the commencement and termination of its fiscal year, and the amount of capital to be employed in the transaction of its business; but no company shall be organized under this act with a capital of less than one thousand dollars, nor shall the declaration or charter of any company proposed to be formed be filed as required by the first section of this act except upon due and sufficient proof to be made to the secretary of state, upon the oath of at least two of the corporators, that the whole amount of said capital has been subscribed in good faith and at least ten per cent thereof actually paid in, in cash.

§ 2. Section five of said act is hereby amended so as to read as follows:

President and directors. § 5. The business of the companies incorporated under this act shall be managed and conducted by a president, a board of not less than three directors and a treasurer, who shall be chosen annually by the stockholders, and shall hold their offices until others are chosen and qualified in their stead, and by such other officers as they may prescribe by their by-laws. At elections of officers, and at all other meetings each stockholder shall have one vote and no more. Companies organized under this act shall have the word "co-operative," as a part of their corporate or business name wherever used, either in advertising or transacting their business.

Elections. § 3. Section six of said act is hereby amended so as to read as follows:

Name. § 6. The corporators or trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the laws of this state, as may be deemed necessary for the government of its officers and the conducting of its affairs, and the same to alter and amend at pleasure; and they may also, by such by-laws, provide as to the manner of paying in the capital stock, and the manner of issuing certificates thereof, as to the manner of conducting the elections in said company, as to the control of its affairs that each officer shall have, as to the number of shares each stockholder may hold, as to the manner of compelling the transfer or exchange of stock any one stockholder may acquire, in excess of such number of shares, as to the manner of distributing the profits, and in such proportion as may be thought proper, upon the labor and patronage in the business of said company; as to the amount and time for which debts may be contracted, and as to the time and manner in which the trustees or directors shall make reports, and render accounts, as to the condition of the company and its affairs.

By-laws. But every such company shall at the beginning of each fiscal year, fix and determine the maximum per cent of dividend which may be apportioned upon the stock out of the profits which may accrue during the year.

Dividends. § 4. The title of said act is hereby amended so as to read "An act incorporating co-operative companies."

Title of act. § 5. All acts or parts of acts so far as they are in conflict herewith are hereby repealed.

CHAP. 86.

AN ACT in relation to the officers and medical staff of Willard Asylum for the Insane.

PASSED March 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the Willard Asylum for the Insane are authorized in their discretion to appoint, on the nomination of the superintendent of said asylum, an additional assistant physician, whose salary shall be fixed and paid in the same manner as those of the other resident officers of the asylum, provided the salaries of such resident officers shall not exceed in the aggregate eleven thousand eight hundred and fifty dollars.

§ 2. This act shall take effect immediately.

CHAP. 87.

AN ACT to authorize the extension of the time for the collection of taxes, in the several towns in Cayuga county and the city of Auburn, in the same county.

PASSED March 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector of taxes of any town in Cayuga county, or receiver of taxes for the city of Auburn, shall pay over all moneys collected by him, shall make his return to the treasurer of his county, as now required by law, of all unpaid taxes on lands of non-residents, and shall renew his bond as herein provided, the time for the collection of all other taxes and for making return thereof by him, shall be and is hereby extended to the first day of May, eighteen hundred and seventy-eight. Such bond shall be renewed with such sureties as in any town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof; the penalty thereof in any case shall be double the amount of taxes in that case remaining uncollected. The bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed and have all the effect of a collector's or receiver's bond. A copy of the bond and the approval thereof shall be delivered to the county treasurer of the county in which said town is, but nothing herein contained shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller, as now provided by law.

When time
to be ex-
tended.

Bond.

Payment
of state
tax not ex-
tended.

§ 2. This act shall take effect immediately.

be deemed to have abated or discontinued by reason of any such merger, but the same may be prosecuted to final judgment in the same manner as if the said corporations had not entered into the said agreement; or the said last named corporation may be substituted in the place of any corporation so merged as aforesaid, by order of the court in which such action, suit or proceeding may be pending.

§ 6. This act shall take effect immediately.

CHAP. 99.

AN ACT to repeal chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York."

PASSED April 2, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. Chapter two hundred and fifty of the laws of eighteen hundred and fifty-three, entitled "An act relating to incorporated banks, banking associations and individual bankers located in the city of New York," passed April fifteen, eighteen hundred and fifty-three, is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 100.

AN ACT to provide for the payment of bonds heretofore issued by the village of Middletown, in the county of Orange, and to create a sinking fund therefor.

PASSED April 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
may issue
bonds.

How
issued.

SECTION 1. Upon the maturity of the water fund bonds heretofore issued by the village of Middletown, in the county of Orange, or whenever the same shall be payable as heretofore provided by law, the trustees of said village are hereby authorized and empowered to issue in lieu or payment thereof, bonds on the credit of said village of the same amount, at a rate of interest not exceeding six per cent per annum, and to sell and dispose of the same at not less than their par value. Said bonds to be issued in accordance with the provisions of chapter three hundred and forty-seven, of the laws of eighteen hundred and sixty-six, passed April third, and section eight of chapter two hundred and forty-six, of the laws of eighteen hundred and seventy-two, passed April sixteenth.

§ 2. For the purpose of creating a sinking fund for the payment of the bonds authorized to be issued by the first section of this act, the trustees of said village are hereby further authorized, empowered and required to impose, levy and assess upon the taxable property of said village a direct annual tax of two thousand dollars in each and every year hereafter, until a sum sufficient be thus raised to pay the entire principal of such bonded indebtedness of said village herein authorized.

Annual tax, to create sinking fund for payment of.

§ 3. The proceeds of the annual tax herein authorized and required to be levied and collected for said fund shall from time to time, and as it can be judiciously done, be invested by the treasurer of said village under the direction and with the approval of the board of water commissioners of said village for the benefit of said sinking fund, in the bonds of said village or in the bonds of any town or county or city of this state, or in any of the bonds issued by this state or the United States.

Proceeds of tax, how invested.

§ 4. This act shall take effect immediately.

CHAP. 101.

AN ACT to authorize the extension of the time for the collection of taxes in the several towns in the counties of Wayne and Chautauqua.

PASSED April 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any collector of taxes in any town in the counties of Wayne and Chautauqua, shall pay over all moneys collected by him to the treasurer of said counties respectively, and shall renew his bond as herein provided, the time for the collection of all unpaid taxes and for making return thereof by him, shall be and is hereby extended to the first day of May, eighteen hundred and seventy-eight. Such bond shall be renewed with such sureties as in such town shall be approved by the supervisor thereof, or in case of his absence or inability to act, by the town clerk thereof; said bond shall be approved in writing and filed in the same manner as the original bond is required by law to be filed, and have all the effect of a collector's bond. A copy of the bond and the approval thereof shall, within fifteen days after the passage of this act, be delivered to the county treasurer of said counties respectively; but nothing herein contained shall be construed as extending the time for the payment of the state tax, or any part thereof, by the county treasurer of each of the said counties to the comptroller as now provided by law.

When time to be extended.

Bond.

Payment of state tax not extended.

§ *. It shall be the duty of the secretary of state immediately after the passage of this act to cause it to be printed on slips of paper and delivered to the county treasurers of each of the said counties, a sufficient number thereof, to supply one copy to each collector in said counties, and it shall be the duty of the county treasurers to deliver one copy thereof to each collector in said counties.

Secretary of state to distribute act.

§ 3. This act shall take effect immediately.

* So in the original.

CHAP. 107.**AN ACT requiring justices of the peace to give bonds.**

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Justices
of peace to
give
bonds.

SECTION 1. Every justice of the peace elected or appointed in any of the towns or cities of this state shall, before he enters upon the duties of his office, execute an instrument in writing with two sureties, to be approved by the supervisor of the town, or the common council of the city in which such justice shall reside, conditioned that he will pay over on demand to the officer, person or persons entitled to the same, all moneys received by him in virtue of his office, and previous to entering upon the discharge of his official duties, shall file the said instrument in the office of the clerk of the city or town in which he shall reside.

Justices
now in
office.

§ 2. Every such justice now in office shall, within sixty days after written notice by the county clerk, of the passage of this act, execute and file the bond or instrument required in the first section hereof.

In cities.

§ 3. This act shall not apply to the city and county of New York, or to those cities whose charters require these officers to give such bonds.

Distribu-
tion of act.

§ 4. Within twenty days after the passage of this act, the secretary of state shall send printed copies of this act to each county clerk in this state who, within twenty days from the receipt of such notice, shall make the service required in section two hereof.

§ 5. This act shall take effect immediately.

CHAP. 108.

AN ACT to amend chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-three, entitled "An act to continue in force and amend chapter one hundred and thirty-eight of the laws of eighteen hundred and fifty-two, entitled 'An act to incorporate the firemen of the city of Utica as a benevolent association.'"

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter one hundred and ninety-four, laws of eighteen hundred and seventy-three, entitled "An act to continue in force and amend chapter one hundred and thirty-eight, laws of eighteen hundred and fifty-two, entitled "An act to incorporate the firemen of the city of Utica as a benevolent association," is hereby amended so as to read as follows:

Funds, se-
curities,
etc., to be
invested.

§ 9. The funds, securities, and other property of the corporation which shall arise from the transfer provided by the fourth section of

this act, from any fines, penalties or forfeitures enforced by any ordinance of the common council of said city, and payable thereby to the fire department ; from certificates and donations ; and from such objects as may have been heretofore or may hereafter be agreed upon by the respective fire companies ; or from such payments as may be made to the treasurer of the city of Utica, in pursuance of chapter three hundred and fifty-nine, laws of eighteen hundred and seventy-six, and any amendments thereof or supplemental thereto shall be invested as a permanent invested fund, the income of which shall be appropriated to the relief of such sick or disabled members of this corporation, or their families, and to such of the families of deceased firemen as may, in the opinion of a majority of the trustees regularly convened at any meeting thereof, be deemed worthy of assistance, and for defraying the expenses of the association, but for no other purpose. The treasurer of the city of Utica shall from time to time pay to the treasurer of the said association all sums which he may so receive, immediately after receiving the same.

Income,
how ap-
plied.

§ 2. This act shall take effect immediately.

CHAP. 109.

AN ACT to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors and the acts amendatory thereof.

PASSED April 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-two of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors" is hereby amended so as to read as follows :

§ 22. The penalties imposed by this act, except the penalties provided for by section fifteen and nineteen, shall be sued for, and recovered by and in the name of the overseers of the poor of the town or city in which the alleged penalty is incurred, except in such towns or cities as have no overseers of the poor, in which case said penalties shall be sued for, and recovered by and in the name of the board of commissioners of excise of the town or city aforesaid and paid over to the treasury of the county for the support of the poor of the town or city in which such penalty was incurred except that in counties where there is no distinction between town and county poor, then for the poor of such county, within thirty days after receipt of the same by such commissioners, overseers or their attorneys.

Penalties,
how recov-
ered, etc.

§ 2. This act shall take effect immediately.

CHAP. 107.

AN ACT requiring justices of the peace to give bonds.

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Justices
of peace to
give
bonds.

SECTION 1. Every justice of the peace elected or appointed in any of the towns or cities of this state shall, before he enters upon the duties of his office, execute an instrument in writing with two sureties, to be approved by the supervisor of the town, or the common council of the city in which such justice shall reside, conditioned that he will pay over on demand to the officer, person or persons entitled to the same, all moneys received by him in virtue of his office, and previous to entering upon the discharge of his official duties, shall file the said instrument in the office of the clerk of the city or town in which he shall reside.

Justices
now in
office.

§ 2. Every such justice now in office shall, within sixty days after written notice by the county clerk, of the passage of this act, execute and file the bond or instrument required in the first section hereof.

In cities.

§ 3. This act shall not apply to the city and county of New York, or to those cities whose charters require these officers to give such bonds.

Distribu-
tion of act.

§ 4. Within twenty days after the passage of this act, the secretary of state shall send printed copies of this act to each county clerk in this state who, within twenty days from the receipt of such notice, shall make the service required in section two hereof.

§ 5. This act shall take effect immediately.

CHAP. 108.

AN ACT to amend chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-three, entitled "An act to continue in force and amend chapter one hundred and thirty-eight of the laws of eighteen hundred and fifty-two, entitled 'An act to incorporate the firemen of the city of Utica as a benevolent association.' "

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of chapter one hundred and ninety-four, laws of eighteen hundred and seventy-three, entitled "An act to continue in force and amend chapter one hundred and thirty-eight, laws of eighteen hundred and fifty-two, entitled "An act to incorporate the firemen of the city of Utica as a benevolent association," is hereby amended so as to read as follows:

Funds, se-
curities,
etc., to be
invested.

§ 9. The funds, securities, and other property of the corporation which shall arise from the transfer provided by the fourth section of

this act, from any fines, penalties or forfeitures enforced by any ordinance of the common council of said city, and payable thereby to the fire department ; from certificates and donations ; and from such objects as may have been heretofore or may hereafter be agreed upon by the respective fire companies ; or from such payments as may be made to the treasurer of the city of Utica, in pursuance of chapter three hundred and fifty-nine, laws of eighteen hundred and seventy-six, and any amendments thereof or supplemental thereto shall be invested as a permanent invested fund, the income of which shall be appropriated to the relief of such sick or disabled members of this corporation, or their families, and to such of the families of deceased firemen as may, in the opinion of a majority of the trustees regularly convened at any meeting thereof, be deemed worthy of assistance, and for defraying the expenses of the association, but for no other purpose. The treasurer of the city of Utica shall from time to time pay to the treasurer of the said association all sums which he may so receive, immediately after receiving the same.

Income,
how ap-
plied.

§ 2. This act shall take effect immediately.

CHAP. 109.

AN ACT to amend chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven entitled An act to suppress intemperance and to regulate the sale of intoxicating liquors and the acts amendatory thereof.

PASSED April 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-two of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors" is hereby amended so as to read as follows:

§ 22. The penalties imposed by this act, except the penalties provided for by section fifteen and nineteen, shall be sued for, and recovered by and in the name of the overseers of the poor of the town or city in which the alleged penalty is incurred, except in such towns or cities as have no overseers of the poor, in which case said penalties shall be sued for, and recovered by and in the name of the board of commissioners of excise of the town or city aforesaid and paid over to the treasury of the county for the support of the poor of the town or city in which such penalty was incurred except that in counties where there is no distinction between town and county poor, then for the poor of such county, within thirty days after receipt of the same by such commissioners, overseers or their attorneys.

Penalties,
how recov-
ered, etc.

§ 2. This act shall take effect immediately.

CHAP. 110.

AN ACT in relation to arrears of taxes in the city of New York, and to provide for the reissuing of revenue bonds in anticipation of such taxes.

PASSED April 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Arrears of
taxes, pay-
ment of.

SECTION 1. At any time within one year after the passage of this act, any person may pay to the comptroller of the city of New York the amount of any tax upon real property belonging to such person, heretofore laid or imposed and now remaining unpaid, together with interest at eight per cent. per annum, to be calculated from the time that such tax was imposed to the time of such payment, and the comptroller shall make and deliver to the person so making such payment a receipt therefor, and shall forthwith cancel the record of any such tax. Upon such payment such tax shall cease to be a lien upon the property and shall be deemed fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per cent. upon any unpaid tax.

Re-issue of
revenue
bonds.

§ 2. Any revenue bonds heretofore issued in anticipation of the taxes in the first section specified, which may fall due and become payable before such taxes are collected, may be reissued by the comptroller of said city, in whole or in part for such period as he may determine, not exceeding one year.

§ 3. This act shall take effect immediately.

CHAP. 111.

AN ACT to authorize the county clerk of Allegany county to sign the certificates of the record of deeds, mortgages and other papers recorded in the Allegany county clerk's office, and otherwise complete said records, where the same were not completed or certified by W. H. H. Russell, his immediate predecessor in office.

PASSED April 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

County
clerk may
sign
record of
deeds, etc.

SECTION 1. The county clerk of Allegany county is hereby authorized to sign the certificates of the record of all deeds, mortgages and papers recorded in the Allegany county clerk's office, and otherwise complete said records, where the same were not completed or certified by W. H. H. Russell, his immediate predecessor in office; provided that the records or the certificates of record, to be thus

signed are lawful, complete and perfect records, with the exception of ^{Proviso.} the signature of the said former clerk thereto; and the signature of the said clerk thereto shall have the same force and effect as though said records or certificates had been signed by the said W. H. H. Russell.

§ 3.* This act shall take effect immediately.

CHAP. 112.

AN ACT to amend chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care.

PASSED April 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five, entitled "An act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care," is hereby amended so as to read as follows:

§ 1. The trustees, directors or managers of any incorporated orphan asylum (or other incorporated institution for the care of friendless children) may bind out any orphan or indigent child, if a male, under the age of twenty-one years, or, if a female, under the age of eighteen years, which has been or shall be surrendered to the care and custody of said society by the parent or guardian thereof (or which has been left to its care with no provision for its support, for the space of one year), or placed therein by the superintendent of the poor of the county, or the overseers of the poor, or board of charities of any city or town in the county within which said asylum is located, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his father. ^{Binding out orphans, etc.}

§ 2. Section two of the said act is hereby amended so as to read as follows:

§ 2. In case of the death of the father of any indigent child, or in case the father shall have abandoned his family or neglected to provide for them (during a period of six months), the mother shall be guardian of said child for the purpose of surrendering the said child to the care and custody of said society; and in case of the death of both parents, the mayor of the city, or county judge of the county within which the said asylum may be located, shall be, ex-officio, the guardian of said child for the purpose of enabling said trustees, managers or directors to bind out such child, but this act shall not apply to cases where testamentary guardians have been appointed by either parent. ^{Guardians for the purpose of surrender.}

* So in the original.

Adoption,
etc., in
New York
city.

§ 3. When a child or children shall have been placed under the care and custody of any incorporated charitable institution, and supported in part or in whole by the city of New York, by taxes imposed for that purpose, shall be considered as deserted, then if no inquiry has been made about their welfare and no board has been paid by parents or guardian for the space of one year, any judge of a court of record, in the county where such child or children may be taken care of, is authorized and empowered, on application of the charitable institution having the charge of such child or children, to order their adoption by suitable persons named by said institution, or their transfer to any incorporated non-sectarian institution or society to be selected by parties or persons seeking homes or occupation for children, if said societies shall consent to receive them; and the said named societies, when consenting to receive such child or children, may bind out such child or children as set forth in sections one and two of this act.

§ 4. This act shall take effect immediately.

CHAP. 113.

AN ACT authorizing and empowering the common council of the city of Rochester to construct lift, hoist or swing bridges over the Erie canal at Brown street and at Smith street in the city of Rochester.

PASSED April 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Bridges
may be
con-
structed.

Expenses
of, how
paid.

Material
of old
bridges.

Control of
bridges.

SECTION 1. The common council of the city of Rochester is hereby authorized, with the consent and under the direction of the state engineer and superintendent of public works, to construct lift, hoist or swing bridges over the Erie canal at Brown street and at Smith street in said city, in place of the bridges now over the canal at the points aforesaid, and to pass the necessary ordinances for such improvements, or either of them; and the whole expense of the respective improvements shall be assessed and levied upon such portion of the real property within the said city as shall be deemed by the common council to be benefited by the respective improvements. The assessments therefor shall be made and proceeded with in all respects as in cases of other local improvements.

§ 2. The said common council is hereby authorized to use in such manner as it may deem proper to facilitate the construction of such bridges, so much of the material in the abutments and superstructure of the old bridges as shall in its opinion be deemed necessary or expedient.

§ 3. So long as the said canal shall remain the property of the state, the said bridges so to be constructed shall be under the general control and management of the superintendent of public works, who shall appoint a person or persons necessary to lift or manage each of the said bridges during the season of navigation, and in case of the abandonment or sale of said canal, the said city shall thereupon be-

come vested with all the rights now enjoyed by the state, so far as relates to the control and management of said bridges so to be constructed; but all the expense of erecting the said bridges shall be provided for by the said city, except as the same may be provided for by the use or sale of the materials composing the present bridges, as hereinbefore provided.

§ 4. This act shall take effect immediately.

CHAP. 114.

AN ACT to amend chapter sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways."

PASSED April 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of chapter sixty-nine of the laws of eighteen hundred and seventy-three, entitled "An act requiring commissioners of highways to give notice of the discontinuance of public highways," is hereby amended so as to read as follows:

§ 1. Upon application being made according to law to the commissioners of highways of any town, for the discontinuance of any public highway therein, it shall be the duty of such commissioners to give to all owners and occupants residing upon lands through or along which the highway described in said application passes, six days' notice in writing of the time and place of the meeting of the jury of freeholders to certify to the uselessness of said highway, which notice shall contain the name of the applicant, and a brief description of the highway described in the application. And in case such jury shall certify that said highway is useless and unnecessary, then it shall be the duty of such commissioners to give to such owners and occupants six days' notice in writing of the time and place of the meeting of such commissioners to hear and determine such application. The notices required by this act shall be served by delivering the same to such owner or occupant, or, if he be absent, by leaving them at his dwelling-house, and in either case at least six days before the time of meeting of which notice is given.

Notices of discontinuance of highways.

How served.

CHAP. 115.

AN ACT to amend the charter of the corporation of the chamber of commerce of the state of New York.

PASSED April 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The corporation of the chamber of commerce of the state of New York, re-incorporated by an act of the legislature of the

May take real and personal estate, etc.

Annual
income
limited.
Trustees
of real
estate.

state of New York, passed on the thirteenth day of April, one thousand seven hundred and eighty-four, is hereby empowered to take and receive from the United States of America, or from any corporation, or from any person or persons, any real or personal estate, also to take by devise or purchase any real or personal estate, for the purposes of said corporation, and to convey, lease or mortgage the same, or any part thereof, the net annual income of which real estate shall not exceed one hundred thousand dollars.

§ 2. It shall be lawful for the said corporation to elect, from among its members, at its first meeting called for the purpose after the passage of this act, six trustees, who with the president of said corporation, shall constitute a board and have the charge and control of the real estate of said corporation; said trustees at said first election shall be classified so that two of them be elected for one year, two of them for two years, and two of them for three years, and at each annual election after the first, two trustees shall be elected to fill the class of those whose terms expire; and said corporation, at any regular meeting of the chamber, shall have power to fill any vacancy in said board of trustees.

Convey-
ances, etc.,
of real
estate.

§ 3. All conveyances, mortgages, leases or contracts of, or affecting any real estate of said corporation, shall be authorized by said board of trustees, and president of the chamber, or of a majority thereof, and shall, when so authorized, be executed under the seal of the corporation, attested by the signatures of the president and secretary of the chamber.

§ 4. This act shall take effect immediately.

CHAP. 116.

AN ACT to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-eight, entitled "An act to amend and continue in force an act entitled 'an act to incorporate an association for the relief of respectable aged indigent females in the city of New York,' passed March tenth, eighteen hundred and fifteen, and the acts continuing in force and amending the same."

PASSED April 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter three hundred and twenty-eight of the laws of eighteen hundred and sixty-eight, entitled "an act to amend and continue in force an act entitled 'An act to incorporate an association for the relief of respectable aged indigent females in the city of New York,' passed March tenth, eighteen hundred and fifteen, and the acts continuing in force and amending the same," is hereby amended so as to read as follows:

Real and
personal
estate
limited.

§ 1. So much of the first section of the act entitled "An act to incorporate an association for the relief of respectable aged indigent females in the city of New York," passed March tenth, eighteen hundred and fifteen, as amended by the act of April fourteen, eighteen hundred and sixty, as limits the amount of real and personal property

which the said association may hold to three hundred thousand dollars is hereby repealed and the said association is hereby authorized to hold real and personal property to an amount not exceeding seven hundred and fifty thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 117.

AN ACT to amend chapter three hundred and eighty of the laws of eighteen hundred and fifty-two, entitled, "An act to incorporate the Canajoharie Water Works Company."

PASSED April 8, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter three hundred and eighty of the laws of eighteen hundred and fifty-two, entitled, "An act to incorporate the Canajoharie Water Works Company," is hereby amended so as to read as follows:

§ 2. The capital stock of said company shall be one thousand dollars, and shall be divided into shares of twenty-five dollars each, but may at any time be increased by the directors of the company; provided that such capital stock shall not be increased so as to exceed the sum of twenty-five thousand dollars. Capital stock.

§ 2. This act shall take effect immediately.

CHAP. 118.

AN ACT to confirm the election of trustees in the village of Marathon in the county of Cortland and to provide for and determine by lot their respective terms of office.

PASSED April 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No election held in the village of Marathon in the county of Cortland pursuant to the act entitled "An act to provide for the incorporation of villages, passed April twentieth, eighteen hundred and seventy, and the acts amendatory of said act, shall not be invalid on account of the failure of the electors at such elections to designate in their ballots, the respective terms of office of the persons voted for for trustees, but the persons for whom a majority of such votes were cast shall be deemed to have been duly elected as the trustees for said village for the year succeeding the annual election, in each year that has been heretofore held, since the passage of said act; and the trustees so elected at the annual election in the year eighteen hundred and seventy-eight, shall, on or before the first day of June in said year, meet, together with the president of said village, who shall Village trustees, election of, confirmed.

Terms of office.

designate by casting lots, one of said trustees to serve two years, and the two remaining trustees shall serve one year; the president shall make and file in the office of the clerk of said village, a certificate stating the names of the said trustees, and the term of office of each, as so determined.

Certificate
to be filed.

§ 2. This act shall take effect immediately.

CHAP. 119.

AN ACT to amend chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,' passed June first, eighteen hundred and seventy-two, passed February twenty-eight, eighteen hundred and seventy-three."

PASSED April 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of title two of chapter thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to re-enact and amend an act entitled 'An act to incorporate the city of Yonkers,' passed June first, eighteen hundred and seventy-two, passed February twenty-eight, eighteen hundred and seventy-three," is hereby amended so as to read as follows:

City officers.

§ 1. The officers of the city shall be as follows: A mayor, a supervisor, a city judge, a clerk of the city court, a city clerk, a city treasurer, a city attorney, three assessors, a receiver of taxes, four justices of the peace, a street commissioner, a commissioner of charities, one chief engineer, two assistant engineers and a treasurer of the fire department, two aldermen, two fire wardens, two constables for each ward in said city, three inspectors of elections for each election district in said city, and such other officers as are hereinafter named.

§ 2. Section four of title two of said act is hereby amended so as to read as follows:

Annual election.

§ 4. An election for elective officers for said city shall be held in each year on the last Tuesday in March (or on the day on which is held the election for town officers in the several towns in Westchester county). The present elective officers of the city of Yonkers shall hold their respective offices for the terms for which they were respectively elected and shall have qualified. At the annual election, to be held in the year eighteen hundred and seventy-eight, and at each annual election thereafter, there shall be elected one supervisor for said city, and also one alderman for each ward, who shall be residents of the ward for which they are respectively elected, and shall be elected by the electors resident in the ward in and for which such ward officers are elected. At the annual election to be held in the year eighteen hundred and seventy-eight, and at each second annual election thereafter, there shall be elected a mayor for said city. At the annual election to be held in the year in which the term of office of the city judge shall expire, or at the next annual election after a vacancy in the said office occurs, provided such annual election happens not less than thirty days thereafter, there shall be elected a city judge for said city.

Officers to be elected.

§ 3. Section five of title two of said act is hereby amended so as to read as follows:

§ 5. At the annual election for city officers in the year eighteen hundred and seventy-eight, and at the annual election every year thereafter, there shall also be elected a justice of the peace of said city. Such justices of the peace shall enter on the duties of their office on the first day of January next succeeding their election, and shall continue in office for the term of four years. Justices of the peace.

§ 4. Section eleven of title two of said act is hereby amended so as to read as follows:

§ 11. If at any election authorized by this act, the mayor, city judge or any alderman, supervisor or justice of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, or if a vacancy occurs in the office of the mayor the city judge or any alderman, within thirty days immediately preceding an annual election, except where such term of office expires at such annual election, a special election shall be ordered by the common council within ten days from such election, to be held within twenty-five days after the date of such order; and they shall cause such notice as is required for a general city election to be published for at least five days previous to such special election. The provisions of law in respect to the annual charter election, so far as the same are applicable, shall apply to such special election. Special election, when to be ordered.

§ 5. Section sixteen of title two of said act is hereby amended so as to read as follows:

§ 16. The term of office of the mayor of said city shall commence on the Tuesday succeeding the day on which he is elected, and shall continue until the Tuesday succeeding the second annual election thereafter, and until his successor shall have qualified. In case of a vacancy in the office of mayor, occurring at any time prior to thirty days before the first annual election after his term of office has commenced, a mayor shall be chosen for the unexpired term at such annual election. The term of office of the city judge shall be four years from and including the first Tuesday next after the annual election at which he shall be elected, or which shall be held in the same year in which he shall be elected at a special election, and until his successor shall have qualified. When a vacancy shall occur otherwise than by expiration of term in the office of the city judge, the same shall be filled for the full term of four years at the next annual election, thereafter, provided such vacancy occurs not less than thirty days prior to such annual election, and if within thirty days prior to such annual election, the same shall be filled by special election, as provided in section eleven of title two of this act. Until such vacancy shall be filled by election, the mayor, by and with the advice and consent of the common council, may appoint to fill such vacancy. The term of office of each alderman shall commence on the Tuesday succeeding the day on which he is elected, and shall continue until the Tuesday succeeding the second annual election thereafter, and until his successor shall have qualified. Any vacancy in the office of an alderman shall be filled by the common council by the concurrent vote of a majority of all the members of the common council, then in office. The person so chosen shall be a resident of the ward in and for which the alderman was elected whose office is vacant, and shall serve until the first Tuesday after the next succeeding annual election, and until the electors of such ward shall elect an alderman to fill the Terms of office of mayor, city judge, aldermen and supervisors, and vacancies how filled.

unexpired term. If the vacancy in such office occurs not less than thirty days prior to an annual election, except that at which such term expires, a person shall at such annual election be elected alderman by the electors of such ward, to serve the remainder of such unexpired term. If such vacancy occurs within thirty days prior to such annual election, the same shall be filled by special election as provided in section eleven of this title. The term of office of the supervisor shall commence on the Tuesday succeeding the day of his election, and shall continue until the Tuesday after the next annual election thereafter, and until his successor shall have qualified.

§ 6. Section one of title three of said act is hereby amended so as to read as follows:

Mayor, his powers and duties.

§ 1. It shall be the duty of the mayor, and he shall have power to exercise a constant supervision over said city, and over the conduct of all its officers, to examine the books, accounts and records of the receiver of taxes, city treasurer, city clerk and other officers of the city, to suspend any officer of the city, until such suspension shall be terminated by the common council, and to report all he shall do in the premises to the common council. He shall, from time to time, communicate to said common council, and recommend such measures as he shall deem necessary or expedient. He shall have power to administer oaths, and to take affidavits in matters relating to the city.

No salary to mayor or aldermen.

No salary or compensation shall be allowed or paid to the mayor or any alderman, for any services rendered in the discharge of the duties of their respective offices, pursuant to the provisions of this act.

General powers of mayor.

The mayor of the city of Yonkers shall possess all the power and authority conferred upon mayors of cities by any general statute of this state; he shall have power to apprehend and arrest any person who shall, within his view, be guilty of any criminal act, or of any violation of the laws or statutes of this state. The

Mayor or aldermen may issue warrants.

mayor or any alderman of said city may, upon complaint being made to him under oath, issue a warrant to any police officer or constable of the city of Yonkers, to arrest any person charged with any crime or misdemeanor, or with any violation of any of the laws or statutes of said state, and take such person for examination or trial, either before the said mayor or before the city judge or acting city judge. Any such warrant may be executed by any officer to whom it is directed at any place within the state. The city judge or acting city judge, upon such process being returnable to him, or the prisoner arrested by virtue thereof, being brought before him, shall take and acquire jurisdiction of the person and subject-matter, and proceed with the case at the same extent and in the same manner in all respects as if such process had been originally issued by him. Whenever any person shall be arrested by the mayor of said city for any offense committed within his view, or by process originally returnable before himself, he may, by an order in writing, transfer the case to the city judge who shall thereupon take and acquire jurisdiction, and proceed with such case in the same manner and to the same extent as if such person had been arrested, or such process originally issued by him; or the said mayor may, in any such case, proceed to examine any such person and commit him for trial, to answer the charge against him, or discharge him according to law. He shall take care that the laws of the state and the ordinances of the city and of the common council are faithfully executed, and shall receive complaints, and institute or cause to be instituted, prosecutions for their violation.

Proceedings on return of warrant.

Mayor to enforce laws.

He shall maintain peace and good order in the city. He shall nominate suitable persons for all offices, the nominations to which are, by this act, required to be made by him, without unreasonable delay. He shall have power to nominate, and by and with the advice and consent of the common council, to appoint suitable persons to fill vacancies in office, except in the cases for which it is otherwise provided in this act. The mayor may be removed from office by the governor, in the same manner as sheriffs, except that the governor may direct the inquiry provided by law, to be conducted by the attorney-general; and after charges have been received by the governor, he may, pending the investigation, suspend the mayor, not exceeding thirty days.

Nomina-
tions.

Removal
of mayor.

§ 7. Section eight of title three of said act is hereby amended so as to read as follows:

§ 8. The city treasurer shall receive and safely keep all moneys belonging to the city. He shall, once in each month, and as often as he may deem proper, examine the books and accounts of the receiver of taxes. He shall also keep an accurate account of all receipts and payments, so as to exhibit the amount paid under each particular class of purposes for which money shall be raised, and make returns thereof in such manner, and at such times as the common council shall direct. The common council shall make orders for the payment of all moneys to be drawn out of the treasury, except as herein otherwise specially provided; and no moneys shall be drawn or paid out of the treasury, except in pursuance of such orders appropriating the same, and upon warrants drawn and signed by the city clerk, and countersigned by the mayor, except for the payment of the principal and interest of the bonded debt of the city, which he is authorized to pay as the same shall become due; and the bonds and coupons, and the receipts for interest on bonds having no coupons, so paid, shall be his vouchers therefor. The city treasurer, in his settlement with the common council, shall be allowed for no moneys except such as are paid out as above. The fees of the city treasurer shall be one per cent. on all moneys paid out by him except on moneys paid to his successor in office, and to the county treasurer, and except further that he shall receive only one-fourth of one per cent. on all sums paid out by him in excess of ten thousand dollars, in any one proceeding for an assessment for a local improvement, which compensation shall be allowed him by the common council on inspection of his accounts, if the same are found correct: provided, however, that the common council may, at or before the commencement of his term of office, fix, and limit the amount of the compensation to be retained by the treasurer, at a sum not exceeding two thousand dollars per annum, and the amount of such fees and percentages received by him in any one year in excess of the sum so fixed and limited by the common council, shall be retained to the use of the city. The city treasurer shall, at the first stated meeting in March in each year, and at such other times as the common council shall require, present to said council, to be filed with the city clerk, a full account of all his receipts and disbursements since the date of the last annual report, and a statement of the financial condition of the treasury.

City treas-
urer, du-
ties of.

Moneys,
how
drawn
from
treasury.

Fees.

Proviso.

Account
of receipts
and dis-
burse-
ments.

The city treasurer shall hold his office for the term of two years, and until his successor shall be appointed and shall have duly qualified. The next term of such office shall commence on the first Tuesday of June, in the year eighteen hundred and seventy-eight. Before the city treasurer enters upon the duties of his office, and within ten days after being

Term of
office.

Bond. notified of the amount at which the common council shall have fixed the penalty of his bond, he shall execute to the city of Yonkers a bond, with two or more sureties, to be approved by the common council, in such penalty as said common council shall have directed, conditioned for the faithful performance of his duties as city treasurer, and as acting receiver of taxes, during the suspension of the receiver of taxes, and that he will account for and pay over all moneys received and collected by him at any time to the proper officers appointed to receive the same, which bond shall be duly acknowledged before some officer authorized to take acknowledgments, and the sureties therein shall justify in at least double the amount thereof. If the

Approval. common council shall approve the form and execution of said bond, and the sureties thereto, they shall cause such approval to be endorsed thereon, and file the same with the city clerk. Such bond shall be a

Lien upon real estate. lien upon the real estate in the city of Yonkers of the said treasurer and his respective sureties, until it shall be canceled and discharged by the common council, after it shall have audited and allowed his final account.

Additional sureties. The common council may, by the unanimous vote of all the members present, at any stated meeting, require new and additional sureties, or a new bond or bonds, for such amount as they may deem proper, conditioned as hereinbefore provided. In case such treasurer shall neglect to file such new or additional bonds, within fifteen days after notice of his being required to do so, such neglect shall be deemed a refusal to serve, and the office shall thereupon become vacant.

§ 8. Section one of title four of said act is hereby amended so as to read as follows:

City judge. § 1. The city judge of said city shall be a person who shall be of the degree of counsellor-at-law. He shall be the judge of the city court of Yonkers. He shall have jurisdiction, exclusive of any justice of the peace within the corporate limits of said city, to issue all criminal process and all process (other than in civil actions and proceedings), including process in bastardy cases, which a single justice or two justices of the peace in towns are empowered and directed by law to issue; and in such cases to hear and determine all matters and make such orders and do such acts alone as by law may be done by two justices of the peace sitting jointly in the hearing of such bastardy cases. To hear and entertain all complaints and conduct all examinations in criminal cases; to hold courts of special sessions, with all the powers and jurisdiction of such courts, as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to hear and determine charges for every misdemeanor committed within said city. He shall possess all the powers and jurisdiction and be subject to all the liabilities of justices of the peace within said city. He shall also have the same jurisdiction and power, within the said city of Yonkers, as is by law conferred upon the county judge of Westchester county within said county, except in cases of appeal. In all civil proceedings before said city judge, an appeal from any judgment, order or determination by him made, except in actions or proceedings in the city court of Yonkers, for which other provision is made by law, may be had and taken to the county court of Westchester county, and, in all criminal proceedings, any judgment, order or conviction made by him

Jurisdiction of.

Appeals.

may be reviewed by appeal or by by* certiorari, in like cases, in like manner and with like effect as if the proceedings were before a justice of the peace.

Said city judge shall have power to let to bail persons charged with crime before him in all cases of misdemeanor, and in all cases of felony when the imprisonment in the state prison on conviction cannot exceed five years; and shall also have power to administer oaths and take affidavits, to take proofs and acknowledgments of deeds and other instruments, in the same manner as justices of the peace; and said city judge shall further have and exercise, within said city, all the powers of a judge of the supreme court at chambers. The mayor of the city of Yonkers shall designate in writing, to be filed in the office of the city clerk of said city, one of the justices of the peace of the city of Yonkers, who shall only, in case of sickness, absence from the city, disability or inability of the city judge to act, exercise in the place and stead of said city judge only such criminal jurisdiction as is conferred by law upon justices of the peace in towns, while such sickness, absence, disability or inability shall continue. Such designation may be for a limited time to be stated, or without time, and the mayor of said city may revoke such designation at pleasure, and designate again or redesignate at will.

In case any criminal warrant issued by said city judge shall be returned during his absence from the city, or sickness, disability or inability to act, any further proceedings on such warrant may be had before the justice of the peace so designated; and said justice of the peace having once entered on the trial of an action or proceeding under this section, and not otherwise, may proceed to the determination of it. The said justice of the peace so designated and acting in the place and stead of the city judge, shall be entitled to receive the sum of three dollars for every day actually spent in the discharge of his duties as provided for in this section, to be audited, allowed and paid by the common council out of the city treasury, on such justice of the peace presenting a verified bill of items for each day's services. Claims for such services by such justice of the peace shall be presented to the common council monthly. Such justice of the peace, in signing process, shall add to his official title, "acting as city judge." It shall be the duty of the city judge to attend at his office at such hours as the common council shall designate, and to hear all matters within his jurisdiction. All costs and fines in criminal proceedings imposed and collected by him or such justice of the peace, and all moneys collected by the city judge, shall be paid to the city treasurer. The city judge shall keep an account of all criminal business done by him, or by the justice of the peace acting as city judge, and of all costs and fines therein imposed, and payments made thereof.

He shall annually, at the presentation of claims against the county of Westchester, make out and verify his account of all criminal business done by him, or by the justice of the peace acting as city judge, which, if performed by a justice of the peace, would be a county charge, and present the same to the board of supervisors of said county, which board shall audit it to the city of Yonkers, and levy and collect the same as other county charges, and when collected

May let to bail, administer oaths, etc.

Powers of supreme court judge at chambers.

In case of inability to act, justice of the peace to be designated.

Criminal warrants returnable may be proceeded upon before such justice.

His compensation.

City judge to attend at his office.

Fines, etc., to whom paid.

Account to be kept.

Annual account to board of supervisors.

*So in the original.

Service of process.	cause the same to be paid to the city treasurer. It shall be the duty of any constable and any officers of the police in said city, and they are hereby empowered, to serve all process issued by said city judge or officer acting as such. The salary of the said city judge shall be at the rate of three thousand dollars per annum.
Salary.	
Repeal.	<p>§ 9. Section five of title four of said act is hereby repealed.</p> <p>§ 10. Section seventeen of title four of said act, as amended by section twelve of chapter five hundred and seventy-eight of the laws of eighteen hundred and seventy-five, is hereby amended by adding at the end thereof the following words, namely:</p>
Bonds may be issued for difference.	<p>The common council may issue bonds of said city, to be known as "tax relief bonds," for the amount of such difference. Such bonds shall be in such denominations as the common council shall determine. They shall mature upon the first day of February next succeeding their issue and shall bear interest not exceeding seven per cent per annum payable at the time of maturity. They shall be signed by the mayor and city clerk, and the corporate seal of the city of Yonkers shall be affixed thereto. The common council shall convert said bonds into money at not less than par value or may obtain temporary loans upon the same, and the proceeds therefrom shall be used only for the payment herein required to be made to the county treasurer. From and after the twentieth day of March in each year all moneys received from taxes after receipt of amount stated in the warrant of the receiver of taxes to be collected for city and general purposes, shall be used solely and only for the payment of such "tax relief bonds" and loans upon the same until such bonds and loans shall be paid.</p>
Payment of bonds.	<p>§ 11. Section nineteen of title four of said act is hereby amended so as to read as follows:</p>
Percentage for collection of taxes and assessments.	<p>§ 19. The receiver of taxes shall be empowered to receive and collect, in addition to all sums of taxes received and collected by him, within one month from the first publication of the notice provided in section sixteen of this title, one per cent. on every dollar, and on all sums of taxes collected by him after one month two per cent. on every dollar, except as provided in section forty-seven of title eight of this act. He shall collect and receive all assessments for one month after the receipt by him of the warrant therefor without commission, and thereafter he shall be authorized to receive and collect, in addition to such assessments so remaining unpaid, two per cent. on every dollar. All fees and commissions collected by him shall be paid to the city treasurer for the use of the city. The salary of the receiver of taxes shall be at the rate of three thousand dollars per annum.</p>
Salary of receiver of taxes.	<p>§ 12. Section twenty of title four of said act is hereby amended so as to read as follows:</p>
Receiver to make daily entries in book.	<p>§ 20. The said receiver shall enter daily in suitable books to be kept for the purpose, the sums received by him for taxes and assessments, interest on taxes and assessments, and commission on taxes and assessments respectively, in separate columns, with the name of the person on whose account the same is received or paid, and each day's receipts shall be kept separately. It shall further be the duty of such receiver to enter on the tax rolls and assessment lists, as taxes and assessments are paid, in a column opposite the name of the person mentioned therein on the property assessed, the word "paid," and the date of such payment, as to all taxes and assessments which are paid to said receiver. If the said receiver shall neglect to pay all moneys received by him, and directed to be paid in the manner aforesaid, or neglect or refuse to exhibit</p>
Entry of payment of taxes and assessments.	

his books and accounts to the city treasurer, or to do any act in this or any other law enjoined upon him, it shall be the duty of the city treasurer forthwith to report the same to the mayor, who shall thereupon suspend the said receiver from office, and within three days thereafter, call a special meeting of the common council, at which meeting he shall report such suspension, and his reasons therefor, that the action of the common council may be had thereon. In case of such suspension the city treasurer shall forthwith take possession of the office of said receiver of taxes, the assessment and tax books and warrants, and all books and papers of such receiver of taxes, so suspended, and shall perform all the duties and exercise all the powers of the receiver of taxes during such suspension, and until the said receiver shall be restored or removed, and another person shall be appointed and duly qualified in his place, and shall then deliver the same to the officer restored or the person appointed in his place. The city treasurer shall perform like duties, and exercise like powers in the event of a vacancy occurring in the office of the receiver of taxes, until another person shall have been duly appointed, and shall have qualified as receiver of taxes. In all cases when the city treasurer shall act as receiver of taxes, he shall exhibit to the mayor or president of the common council his books, and the account of moneys received by him, in the same manner as is provided for the exhibition by the receiver of his accounts to the city treasurer; and in case the mayor shall suspend the city treasurer as receiver of taxes, he shall appoint a person to perform the duties of the office pro tempore, and at the time of making such suspension and appointment, the said mayor is required to take from the person so appointed a bond, in the same form and with the same penalty, and with like sureties as is required from the receiver of taxes, which bond shall be approved by such mayor, and filed with the city clerk, and the provisions of this act as to duties, powers and liabilities of said receiver of taxes shall apply to any person or persons so appointed in his or their stead, and to his or their sureties.

Suspension of receiver from office.

City treasurer to take possession of office, etc.

Exhibition of books and accounts.

Appointment of person to perform duties of city treasurer. Bond.

§ 13. Section twenty-one of title four of said act is hereby amended so as to read as follows:

§ 21. The receiver of taxes shall within fifteen days after the time specified in any warrant (issued by the common council for the collection of any tax or assessment) for its return, or if the time of the return of any warrant shall be extended by the common council, he shall, within fifteen days from the time to which such warrant shall have been extended, make and deliver to the common council an account of all taxes and assessments mentioned in said tax roll or assessment lists remaining unpaid at the time of making such returns, and upon making oath that the sums mentioned in said account remain unpaid, and in case of return of unpaid taxes, that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in possession of the persons charged with or liable to pay such taxes whereon he could levy the same, he shall be credited by the common council with the amount thereof. The receiver of taxes may receive payment of taxes and assessments under such warrants until the delivery by him of such accounts to the common council. Whenever the receiver shall make return to the common council for any unpaid taxes or assessments, he shall add to the several sums so returned by him two per cent., which shall go to the credit of the city, and be collected with the said unpaid taxes and assessments.

Account of unpaid taxes and assessments.

Percentage to be added.

§ 14. Section two of title five of said act is hereby amended so as to read as follows:

Amount of money to be raised by tax.

§ 2. The common council are hereby authorized and empowered to raise money by tax, to be assessed upon the property, real and personal, liable to taxation within said city, and upon the stockholders of banks and banking associations organized under any act of congress or law of this state, and located within the city of Yonkers, and to be collected from the several owners of any real and personal property, and from such banks or banking associations, not to exceed in any one year as follows:

1. The sums directed by the board of supervisors of Westchester county to be levied, assessed and collected within said city for state, county and other general purposes.

2. To defray the ordinary and contingent expenses of said city, and for highways and bridges, not exceeding fifty thousand dollars.

3. For police such sums as are or may be authorized by law to be raised upon the requisition of the board of police.

4. For principal and interest on the indebtedness of said city, the actual sum falling due within the ensuing year.

5. To defray the expenses of surveys, examinations and mapping in the preparation of a general plan or system of sewers for said city, as provided by section forty-two of title eight of this act, a sum not exceeding two thousand dollars in each year; provided, however, that such tax shall be raised only during the period of two years.

6. Such other sums as are or may be authorized by law.

Treasurer's fees.

7. One per cent on all sums so raised as treasurer's fees for disbursing the same.

§ 15. Section four of title five of said act is hereby amended so as to read as follows:

Rate of interest to be added to unpaid taxes.

§ 4. In case such tax is not paid to said receiver of taxes within one month after the first publication of the notice provided in section sixteen of title four of this act, such tax shall draw interest at the rate of seven per cent. per annum, and if not paid within two months after the first publication of such notice, it shall draw interest at the rate of twelve per cent. per annum from the first publication of such notice, and such interest shall be added to such tax, and become a part thereof, and be collected in the same manner as such tax and with said tax by the said receiver. All acts and parts of acts relating to collectors of towns, their duties and liabilities and powers, applicable to and not inconsistent with this act, are hereby declared to be part of this act, to the same extent as if the same were re-enacted herein.

General acts to apply.

§ 16. Title five of said act is hereby amended by adding at the end thereof as an additional section the following:

Apportionment by receiver of taxes.

§ 9. When any plot, piece or parcel of land assessed as a whole upon the assessment rolls for taxes, comprises lots or parcels of land, severally owned by different owners, the receiver of taxes shall have power at any time after the assessment rolls have been confirmed by the common council and before the sale for unpaid taxes appearing thereon, to make an apportionment of the taxes and the assessments for taxes upon said plot, piece or parcel of land. Before such apportionment is made, the receiver of taxes must be furnished with a petition verified by one or more of such owners, which shall contain a description of said premises as shown upon the assessment rolls, with the amount of assessment and tax thereon, and an accurate specification

Petition and map.

of each of the lots or subdivisions of said premises, and the owner's name of each respectively, and shall be accompanied by a map or diagram showing all of the lots or parcels of land into which said plot, piece or parcel of land has been subdivided, with the dimensions, area, and owner's name of each of such lots or parcels shown thereon. The receiver of taxes shall thereupon examine into the matter, and if he shall determine that such apportionment is proper, shall apportion said assessment and said tax between and upon the said several lots or parcels of land owned by said different owners respectively, and make the proper entry thereof upon said assessment rolls, with the date of such apportionment. Thereafter each of said lots or parcels of land shall be subject to the payment of such portions of the original tax as is specifically imposed and apportioned upon the same respectively by such action of the receiver of taxes, and payment may be made of the respective amounts so apportioned and proceedings taken to enforce payment; and for non-payment, and sales made therefor, in the same manner as if the same had been originally entered upon said assessment rolls.

Duties of
receiver of
taxes.

Effect of
apportion-
ment.

§ 17. Section two of title six of said act is hereby amended so as to read as follows:

§ 2. The common council shall examine the accounts of unpaid taxes received from the receiver of taxes, and shall reject all taxes on land imperfectly described or so erroneously assessed that the collection thereof cannot be properly enforced, and shall file a transcript thereof in the city clerk's office. The common council shall charge the lands or persons intended to have been assessed for the said rejected taxes with the amount of the same, respectively, adding thereto two per cent. and the interest at twelve per cent. per annum, from the date of the receipt of the warrant by the receiver of taxes for the collection of the original tax, and shall direct the collection thereof in the same manner and together with the taxes of the following year; and if any part of such taxes cannot be so re-assessed, such part shall be assessed on the taxable and real and personal property within the city.

Account
of unpaid
taxes, ex-
amination
of.

Interest.

§ 18. Section three of title six of said act is hereby amended so as to read as follows:

§ 3. The common council shall then deliver the said account of unpaid taxes to the receiver of taxes, who shall receive payment of such unpaid taxes, together with the interest and percentage thereon, until the day fixed for the sale thereof. The common council shall cause a list of all the lots, pieces and parcels of land and premises in said city, which have been returned to it for non-payment of taxes, and the taxes on which have not been rejected by it, or paid to the receiver of taxes, with a description of such lands and premises, by giving the names of the streets on which such lots, pieces and parcels of lands and premises are situated, and their respective numbers thereon, according to the maps designated in the assessment rolls, to be published once in each week for three weeks, consecutively, next preceding the day fixed for the sale of said lands and premises, in the official city newspapers, together with a notice that, if said taxes be not paid to the receiver of taxes, with the interest, commissions and expenses of publication, on or before the day fixed for such sale, that such lands and premises will be sold at public auction in the city of Yonkers, at such place as shall be designated by the common council at the time specified in said notice, for the shortest period of time for which any person or persons may offer to take the same, in consideration of advanc-

Account
of unpaid
taxes to be
delivered
to re-
ceiver.

Lists of
lots re-
turned for
non-pay-
ment of
taxes, pub-
lication of.

Notice of
sale.

Sale, time
of.

ing the said tax, together with the commissions and interest thereon to the time of the sale, and together with all expenses that shall have accrued thereon. Such lands shall be sold annually by the common council, for any unpaid tax, at such time as the common council may, by ordinance or resolution, prescribe.

§ 19. Section five of title six of said act is hereby amended so as to read as follow :

Redemp-
tion.

§ 5. At any time within three years after the date of said sale the owner, mortgagee, occupant or other person interested in such land, may redeem the same by paying to the city clerk, for the use of such purchaser, the purchase money and fee for recording the certificate of sale paid by him, and any other tax or assessment on the same lands which the purchaser may have paid, together with ten per cent. per annum in addition thereto, and any reasonable expense such purchaser may have incurred in endeavoring to ascertain the mortgagee, as provided in section seventeen of this title, provided that a statement of such taxes or assessments so paid, and such expenses so incurred made in items and verified by oath shall have been filed by the purchaser with the city clerk, sealed with the corporate seal of said city, stating such payment, and showing what land is thus redeemed, shall be legal evidence of such redemption. The money so received shall be refunded to the purchaser, his legal representatives or assigns, on demand. The city clerk shall, upon receiving such money, immediately notify the purchaser of its receipt by him.

§ 20. Section six of title six of said act is hereby amended so as to read as follows :

When pur-
chaser to
be enti-
tled to
lease.
Notice to
be pub-
lished.

§ 6. At the expiration of the period of three years from the time of such sale, the purchaser or his assigns shall be entitled to a lease of such premises, providing no redemption thereof has been made, and the common council shall cause a notice to be published for six weeks previous to the expiration of such period in the official city newspapers, specifying that, unless the lands sold as aforesaid shall be redeemed within such period they will be conveyed to the purchaser, and if such land shall not be redeemed within such period, the said common council shall, through the mayor and city clerk, execute to the purchaser, his executors, administrators or assigns a lease, under the corporate seal of the city, of the lands and tenements so sold, for such term as the same shall have been sold, and such lease shall be conclusive evidence that such tax was legally imposed and of the regularity of the proceedings and sale. Provided, however, that no purchaser shall be entitled to a lease of any lands or premises for which the city of Yonkers may have or be entitled to have a lease or certificate of sale, until he shall pay to the city clerk for the use of the city the amount paid by the city for the purchase of such land or premises at any prior sale of the same for the non-payment of taxes or assessments, together with interest thereon at the rate of ten per cent. per annum from date of such sale, and all expenses incurred by said city by reason of such purchase.

Proviso.

§ 21. Section thirteen of title six of said act is hereby amended so as to read as follows :

Interests
of city
may be
sold.

§ 13. The common council may sell and assign all the interests of said city in any or all certificates, mentioned in the last preceding section, to any person who shall pay to the city treasurer the amount of the purchase money mentioned in such certificate, together with the accrued interest thereon, at the rate of ten per cent. per annum,

and such reasonable expenses as may have been incurred in endeavoring to ascertain the mortgagee; and the assignee of such certificate shall be entitled to the same rights and privileges as if such assignee had been the original purchaser at the sale.

§ 22. Section one of title seven of said act is hereby amended so as to read as follows:

§ 1. The aldermen of the city shall constitute the common council thereof. It shall meet on the first day next after the annual charter election in each year. It shall hold its annual meeting on the Tuesday succeeding each annual charter election. Stated meetings shall be held at least once in each month. The mayor, when present, shall preside at the meetings of the common council. The common council shall, at its annual meeting or as soon thereafter as may be, elect by ballot one of its number to be designated as the president of the common council, who shall preside at the meetings when the mayor does not preside, and who, in case of the absence from the city of the mayor, or his inability to perform the duties of his office, by reason of sickness or any other cause, shall act as mayor, and shall as such have and exercise all his rights, powers, privileges and duties. In case of vacancy in the office of mayor, the president of the common council shall act as mayor until a mayor shall have been elected and shall have qualified, and shall as such, have and exercise all the rights, powers, privileges and duties of the mayor. Whenever the office of president of the common council becomes vacant, the same shall be filled in the same manner as at the annual meeting aforesaid. The president of the common council shall not lose his vote as alderman, upon any motion or resolution whereon he is entitled to a vote by virtue of his office of alderman, but whenever he shall have so voted he shall have no additional vote upon the same motion or resolution as presiding officer.

Common council.

Meetings.

Mayor to preside.

President to be elected.

When to act as mayor.

Vacancy.

Vote of president.

§ 23. Section four of title eight of said act is hereby amended so as to read as follows:

§ 4. Whenever a petition for the laying out or opening of any street, avenue or square in said city, signed by one-third of the persons owning lands situated on the line of said street, or proposed street, or whenever a petition for the widening, extending, altering or straightening of any street, signed by one-third of the persons owning lands situated on the line of the proposed widening, extension, altering or straightening, or on the line of the whole street including the existing street, as well as the part of the street proposed to be widened, extended, altered or straightened, shall be presented to the common council, it shall cause a notice to be published in the official city newspapers that such application has been made, and of the time, which shall not be less than twenty days after the first publication of such notice, when they will proceed to act upon such petition, which notice shall be published at least once in each week, for two weeks successively; and, unless a remonstrance, signed by a majority of the persons who will be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice, it may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow such improvement to be made. Provided, nevertheless, that notwithstanding any such remonstrance the common council shall have power, and is hereby authorized, by the unanimous vote of all its members in office, by resolution, to decide to allow such improvement to be made. Before giving notice of the pendency of such application,

Proceedings for laying out and improving streets, etc., petitioned for.

Notice to be published.

Remonstrance.

Improvement may be allowed by unanimous vote.

Assessment district.
Application for and appointment of commissioners to assess damages, etc

the common council shall fix the limit or district of assessment beyond which the assessment shall not extend, and a description of such limit or district shall be inserted in, and form a part of such notice. If the common council shall deem it proper to permit such improvement to be made, it shall cause application to be made to the county court of the county of Westchester, or to the supreme court at a special term held in the judicial district in which said county shall then be situated, for the appointment of three persons as commissioners to estimate and assess the expenses of said improvement, and the amount of damages and benefits to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby. Notice of such application shall be published in one or more of the official city newspapers, once in each week for two weeks successively before the day on which the application is to be made. The court to which such application shall be made shall appoint three persons as such commissioners, who shall be owners of a freehold estate in said city, liable to taxation, not situate in the assessment district. The said court may also appoint another or others to act in the place of any one or more of said commissioners who may die, decline serving, remove from the city, be or become interested in the improvement, or from any cause may be disqualified from serving, without notice, upon application of the said common council.

§ 24. Section nine of title eight of said act is hereby amended so as to read as follows:

When portion of lot or whole or part of building necessary to be taken, how estimate to be made

When title to residue and to buildings vests in city.
Sale.

Deficiency, a part of expense.

How provided for.

§ 9. When a portion of any lot or lots is necessary to be taken for such improvement, and when the whole or part of an* building shall be upon any lot or parcel of land necessary to be taken for such improvement, the said commissioners may, in case where injury and injustice would otherwise be done, and with the consent in writing of the owner or owners of such lot or lots, and upon the examination and approval of the title to said premises by the city attorney at the expense of said owner or owners, include the whole or any part of the residue of such lot and the buildings thereon, in their report, briefly describing the same, and separately estimate the value thereof. Every such residue or part of residue, and all buildings which shall be so included shall, upon the confirmation of the said report as hereinafter provided, and the payment or tender of the amount at which the same shall be so estimated, to the owner or owners thereof, vest in fee simple in the city of Yonkers; and the common council shall thereupon sell and dispose of the same, at a price or prices not less than the sum at which they shall have been so estimated, to the owner or owners of the next adjacent lands; and if he or they shall not, upon reasonable notice, to be determined by the common council of said city, elect to take the same at such price or prices, they shall be disposed of at public auction, upon such notice as the common council shall deem proper for the best price or prices that can be obtained for the same. In case the same shall sell at a less sum than that at which their value was estimated by the commissioners, the deficiency shall be deemed a part of the general amount of loss and expense arising from the improvement. And for the purpose of providing for the event of such deficiency, and for the payment of the amount thereof the commissioners shall include in the estimate and assessment of the expenses of such improvement, the estimated value of any such residue or part

* So in the original.

of a residue, and such buildings as may be included as aforesaid in their report, and upon sale of the same as above provided, the proceeds thereof shall be apportioned by the city clerk and allowed to each of the persons assessed, in proportion to the amount of the respective assessments against them.

§ 25. Section thirty-three of title eight of said act is hereby amended by adding at the end thereof the following words, namely:

In case the owner or owners of any building or other structure, or of any lands affected by such discontinuance of such street, or the authorized agent or attorney of any such owner, within six weeks after the passage of any ordinance discontinuing such street or highway, or part thereof, shall serve upon the city clerk a claim in writing for damages by such owner suffered, in respect to such building, structure or land, which damage is suffered by him by reason of such discontinuance, it shall then be the duty of the common council to establish, by resolution, an assessment district, and cause application to be made to the county court of Westchester county, or to the supreme court, at a special term thereof, for the appointment of three commissioners to estimate, assess and ascertain the damages suffered by the person or persons who shall have made such claim in writing and served the same upon the city clerk within the aforesaid six weeks. Like proceedings shall thereupon be had in all respects as to such claim as is in this title provided for estimating and assessing the expense for the opening and widening of streets. In case the person making such claim be not in possession of the land, building or structure in respect to which such claim of damage is made, or in case the common council shall deem such claim unreasonable or unfounded, they may require the claimant to file with the city clerk a bond, with sufficient sureties, to be approved by the mayor, conditioned to pay all costs and expenses and disbursements which may be incurred by the city in the conducting of such proceedings, in case no damage shall by such commissioners be assessed in favor of such claimant; and until such bond be so filed, said common council may suspend such proceedings, or may refuse to apply for the appointment of such commissioners. In case two or more persons shall make separate claims for such damages, within said six weeks, all such claims shall be considered and disposed of in the same proceeding.

Claims for damages for discontinuance of streets.

Assessment district, and application for commissioners.

Procedures.

Bond of claimant.

Several claims.

§ 26. Section forty of title eight of said act is hereby amended so as to read as follows:

§ 40. In case any assessment is not paid to the receiver of taxes within one month after the receipt by him of the warrant for the collection of said assessment, such assessment shall draw interest at the rate of seven per cent. per annum; and if not paid within two months after the receipt of said warrant, it shall draw interest at the rate of twelve per cent. per annum, from the receipt of said warrant; and such interest shall be added to such assessment, and become a part thereof, and be collected in the same manner as such assessment, and with said assessment by the said receiver of taxes, in the same manner as is prescribed by section fourteen of this title, and, in case of non-payment thereof, the common council are authorized to take the same proceedings as are referred to in section fourteen of this title.

Interest on unpaid assessments.

§ 27. Section two of title nine of said act is hereby amended so as to read as follows:

§ 2. The common council shall procure fire engines and other apparatus used in the extinguishment of fires, and have the charge and

Fire engines.

Fire com-
panies,
etc.

Members
to elect
chief en-
gineer,
etc.

By-laws.

Expulsion
of mem-
bers.
Custody
of engines,
etc.,

City at-
torney,
duties of.

Compen-
sation.
Expenses.

Disposi-
tion of
penalties,
etc.

Resigna-
tions.

Fees, etc.,
payment
of.

Monthly
reports.

control of the same, and shall provide fit and secure engine houses and other places for keeping and preserving the same, and shall have the power to organize fire, hook, hose, ladder, axe and bucket companies, which shall constitute the fire department of said city, and to appoint a suitable and competent number of inhabitants of said city as firemen, and to take the care and management of the engines and other apparatus and implements made and provided for the extinguishment of fires; to prescribe the duties and to dismiss firemen, and make rules and regulations for the government of the fire department. The members of the several fire, hook hose, ladder, axe and bucket companies, when organized under this section, shall have power to elect from among their number one chief engineer, two assistant engineers and the treasurer of the fire department, and each company to elect a foreman, one assistant foreman and a secretary for each of their respective companies, and to nominate members to fill any vacancy which may occur in their ranks, subject to the regulation and approval of the common council; provided that no engine or company shall exceed the number of members allowed by the common council, which shall have power to regulate the number of members for each company, not to exceed sixty members to any one company. They may adopt by-laws for the government of their respective companies, and may impose fines and forfeitures for the violation of the same. They may expel any member from their ranks for improper conduct or neglect of duty. During the time such companies shall remain duly organized, they shall have the custody of the engine and other apparatus pertaining to the fire department, subject, nevertheless, to the paramount possession, authority and control of the mayor and common council of said city.

§ 28. Section seven of title twelve of said act is hereby amended so as to read as follows :

§ 7. The city attorney shall have charge and conduct of all the law business of the city of Yonkers, its officers, departments and boards of commissioners, with the exception of the board of water commissioners, except the common council shall expressly provide otherwise in any particular case. He shall receive from the city compensation for such services therein as he shall render. All expenses incurred in prosecuting for any penalty, penalties or forfeitures, except by the board of water commissioners and the fire department, shall be defrayed by the city. All penalties, forfeitures, judgments and costs recovered in favor of the city, or of any of its officers, departments or boards of commissioners, excepting the board of water commissioners and the fire department, when collected shall be paid into the city treasury.

§ 29. Section seventeen of title twelve of said act is hereby amended so as to read as follows :

§ 17. All resignations of any officer appointed or elected under this act, or under any by-law or ordinance of the common council, shall be made to the common council, and in writing. When any salary is provided by law, or by resolution or ordinance of the common council, for any officer under this act, or under any by-law, or ordinance of the common council, all fees, perquisites, and emoluments of such officer shall be paid on the last day of each month into the treasury for the use of the city. Every officer of the city shall report to the common council in writing on the first day of every month, all moneys, fees, fines or penalties received by him, from whom received, for what received, and how disposed of. Every officer appointed or elected under this act, or under any by-law or ordinance of the city,

who shall be entitled or authorized to receive any moneys, fees, fines or penalties by virtue of his office, shall, before entering upon the discharge of the duties of his office, make, execute, and file with the city clerk, a bond to said city, with sureties to be approved by the mayor, in such penalty as shall be fixed by the common council, conditioned for the faithful discharge of the duties of his office. Every such officer now in office, shall execute and file such bond within ten days after notice that the common council have fixed the penalty of such bond, and any officer failing so to do may be removed from office by the mayor. The foregoing provision requiring the making and filing of such bond shall not apply to such officers as are otherwise specially required to file an official bond.

Officers authorized to receive fees, etc., to execute bonds.

§ 30. Section nineteen of title twelve of said act is hereby amended so as to read as follows:

§ 19. The term of office of the present commissioners of excise for the city of Yonkers shall continue until their successors have been appointed and have duly qualified as provided by law. On the first Monday of April in the year one thousand eight hundred and seventy-nine or as soon thereafter as may be, and every third year thereafter, the mayor shall nominate, and by and with the advice and consent of the common council, appoint the commissioners of excise for said city. The commissioners of excise for said city shall perform all the duties enjoined upon commissioners of excise as provided by law. The commissioners of excise for the city of Yonkers are officers of said city, and each of them may be removed from office by the common council as provided in section five of title seven of this act.

Commissioners of excise, terms of office, etc.

How removed.

§ 31. Section twenty-two of title twelve of said act is hereby amended so as to read as follows:

§ 22. The real estate belonging to the city of Yonkers shall be exempt from all taxes, but this provision shall not apply to assessments levied in said city for local improvements, or to any lands or premises bid in by the city upon any sale for unpaid taxes or assessments thereon.

City property exempt from taxes.

§ 32. This act shall take effect immediately.

CHAP. 120.

AN ACT in regard to the powers of the associate rector of St. Paul's Church in Buffalo, in the city of Buffalo, county of Erie and state of New York.

PASSED April 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

SECTION 1. The associate rector of St. Paul's church in Buffalo, in the city of Buffalo, county of Erie and state of New York, is hereby made and constituted a member of the vestry of such church or congregation. In the absence of the rector, the associate rector shall, if he be present, preside at all meetings of the board, or vestry, and at the stated annual election, and at any election held by said congregation. The associate rector shall have power to call meetings

Associate rector one of the vestry.

To preside in absence of rector.

May call
meetings.

Transac-
tion of
business.

Repeal.

of the vestry, in like manner as is now possessed and exercised by the rector and church wardens. At any meeting of the vestry held in pursuance of the call of the associate rector, at which he shall be present, it shall be lawful for such meeting to transact all business, except that, if the rector be absent from such meeting, no act shall be done which shall impair the rights of the rector of such church, and no measure shall be taken for effecting a sale or disposition of the real property, nor of the capital, or principal of the personal estate of such corporation except the payment of debts.

§ 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 121.

AN ACT to amend chapter one hundred and thirty-five, laws of eighteen hundred and seventy-six, entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide* for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence."

PASSED April 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-six, entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct turnpike roads, passed May seventh, eighteen hundred and forty-seven, to extend their charter or corporate existence, is hereby amended so as to read as follows :

Corporate
existence,
when and
how long
companies
may con-
tinue.

Consent of
board of
super-
visors.

Consent
and state-
ment to be
filed.

§ 1. Any plank-road company or turnpike company which shall have been formed under and by virtue of an act entitled "An act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, and the several acts amendatory thereof, and which shall have managed and carried on any plank-road or turnpike road for twenty years last past upon three miles in length thereof, or not less than one-third of the route named in their original articles of association, may at any time within five years before the termination of the time specified for its duration in its articles of association, continue its corporate existence for a period not exceeding thirty years by first obtaining the consent, by resolution, of a majority of all the members of the board of supervisors of the county or counties in which any such road is located, adopted at any regular or special meeting thereof, and by filing and recording in the office of the clerk of the county or counties in which such plank-road or turnpike road is located, within one month before the expiration of the term of the

* So in the original.

corporate existence of such company, and in the office of the secretary of state such consent and a statement showing the actual capital expended in the construction of any such plank-road or turnpike road, exclusive of repairs, together with the consent, in writing, from the persons owning two-thirds of the capital stock of such company, and in which shall also be stated the number of years which they shall desire such corporate existence extended; also the name of each town or ward through or into which the said road passes. Such statement shall be made by the president and treasurer of such company, and they shall annex or indorse thereon their affidavits of the above requirements. State-
ment, how
made.

§ 2. This act shall take effect immediately.

CHAP. 122.

AN ACT to confer on the board of supervisors of Chautauqua county authority to protect ducks and fish in all waters within the territorial jurisdiction of said county.

PASSED April 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Chautauqua are hereby authorized to provide for the protection and preservation of ducks and fish in all waters within the territorial jurisdiction of said county, and waters bordering on said county, within the jurisdiction of the state, and to prescribe and enforce the collection of all fines and penalties for the violation of any laws or regulations they may make in relation to the same. Protec-
tion, etc.,
of ducks
and fish.

§ 2. All laws or parts of laws inconsistent with the provisions of this law as far as they relate to Chautauqua county are hereby repealed. Repeal.

§ 3. This act shall take effect on the first of October next.

CHAP. 123.

AN ACT to repeal an act entitled "An act relative to paving streets and constructing sewers in the village of West Troy," passed March tenth, eighteen hundred and seventy-three.

PASSED April 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An act relative to paving streets and constructing sewers in the village of West Troy," passed March tenth, eighteen hundred and seventy-three, is hereby repealed. Repeal.

§ 2. This act shall take effect immediately.

CHAP. 124.

AN ACT to amend chapter seven of the laws of eighteen hundred and seventy-eight, entitled "An act making appropriation for continuing work upon the New Capitol during the winter and spring, of eighteen hundred and seventy-eight, and for the demolition of the buildings known as "Congress Hall."

PASSED April 10, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter seven of the laws of eighteen hundred and seventy-eight, entitled "An act making appropriation for continuing work upon the new capitol during the winter and spring, of eighteen hundred and seventy-eight, and for the demolition of the buildings known as "congress hall" is hereby amended so as to read as follows :

Assembly chamber, completion of, etc.

§ 2. The said new capitol commissioners are hereby directed to take such measures as shall insure the completion and furnishing of that portion of the new capitol, containing the assembly chamber, for occupation, on the first day of January, eighteen hundred and seventy-nine, by the senate and assembly, and for that purpose to enter into contracts for the completion of such work, in anticipation of the appropriation therefor.

§ 2. This act shall take effect immediately.

CHAP. 125.

AN ACT relating to contracts for lighting the public lamps in the city of New York.

PASSED April 11, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Contracts for lighting city.

SECTION 1. The board authorized to make and enter into contracts for lighting the streets, avenues and places of the city of New York with gas, consisting of the mayor, comptroller and commissioner of public works, is hereby authorized and empowered to contract for such lighting the public lamps with gas or other illuminating material in said city by one or more contracts, to be let at public lettings, as provided by law, for a period of one year, or any part of a year, and commencing and terminating at any dates the said board may determine.

Repeal.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 126.

AN ACT to amend chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts."

PASSED April 11, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision seventeen of section three of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An Act to repeal certain acts and parts of acts," is hereby amended so as to read as follows :

§ * 17. The repeal of the laws conferring upon a graduate of the law department of the university of Albany, or of the law department of the university of the City of New York, or of the law school of Columbia college, or of the law department of Hamilton college, the right to be admitted to practice as an attorney and counselor at law upon the production of his diploma, does not affect the right of a person who was a student in, or was graduated by either of those departments or schools on or before the first day of April, eighteen hundred and seventy-six, to be so admitted at any time within one year after this act takes effect, upon his complying with the existing laws relating to the admission of such a graduate to practice, nor does the repeal of such laws affect the right of any other person who but for the repeal of the said laws would have been entitled to be admitted as an attorney as aforesaid, to be so admitted as an attorney at any time within one year after this act takes effect, upon his complying with the existing laws as defined in section four of this act, relating to the admission of such a graduate to practice.

Effect of repeal of laws upon graduates of certain law schools.

§ 2. This act shall take effect immediately.

CHAP. 127.

AN ACT to extend the time for the collection of State and county taxes in the city of Binghamton, in the county of Broome.

PASSED April 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection of the State and county taxes in the city of Binghamton, in the county of Broome, is hereby extended until the first day of June, eighteen hundred and seventy-eight, provided, however, that within ten days after the passage of this act, the treasurer and tax receiver of said city shall pay over all moneys by him collected to the treasurer of the county of Broome, and renew his bond to the supervisors of said city, in a penalty double the

Extension.

Proviso.

*So in the original.

Payment
of state
tax not ex-
tended.

Duty of
treasurer
and tax
receiver.

Duty of
officer to
whom
warrant is
issued.

amount of the said taxes remaining uncollected, with two or more sureties, to be approved by said supervisors. But nothing in this act contained shall be construed as extending the time in which the county treasurer of Broome county is required by law to pay the State taxes to the comptroller.

§ 2. After the execution and approval of said bond, the said treasurer and tax receiver shall have all the authority, and it shall be his duty to issue his warrant, in like manner and for the same purpose as is specified in section twenty of title five of the charter of the city of Binghamton, returnable on or before June first, eighteen hundred and seventy-eight.

§ 3. The officer or officers to whom such warrant or warrants shall be issued shall have all the authority and be subject to all the duties specified in section twenty-one of title five of said charter, and, upon returning the same, if any of said taxes remain uncollected, he shall make return, upon oath, that he has not, on diligent search and inquiry been able to discover any goods or chattels belonging to or in the possession of the person charged with or liable to pay any such tax whereon he could levy the same.

§ 4. This act shall take effect immediately.

CHAP. 128.

AN ACT to legalize and confirm the proceedings of the common council of the city of Poughkeepsie in relation to making, levying and collecting of assessments for the construction of sewers in said city during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four and to authorize the correction of sewer assessment rolls so far as the same relate to unpaid assessments levied during said years.

PASSED April 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts of
common
council
legalized.

SECTION 1. The several acts and proceedings of the common council of the city of Poughkeepsie during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four in relation to making, levying and collecting of assessments for the construction of sewers in said city, are hereby legalized and confirmed in all respects.

May cor-
rect sewer
assess-
ment rolls.

§ 2. The common council of said city are hereby authorized and empowered to revise and correct the rolls of all assessments for the cost of constructing sewers in said city made during the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, so far as the same relate to unpaid assessments, by briefly describing the real estate on which said assessments were levied, and the lien of said assessment so corrected and revised shall be deemed to have attached to the real estate so described, as if the same had been properly described at the time of levying of the assessments, and said assessment rolls when so corrected and revised, may be used for enforcing the payment of

said assessments in accordance with the provisions of the laws under which the same were made and levied.

§ 3. Nothing in this act shall render any party liable to pay an assessment under the amendment hereby authorized which he would not have been liable to pay, had the proceedings hereby authorized been originally taken. Liability to pay assessments.

§ 4. This act shall take effect immediately.

CHAP. 129.

AN ACT to amend chapter eighty-two of the laws of eighteen hundred and fifty, entitled 'An act for the protection of purchasers of real estate upon sales made by order of surrogates' and all acts amendatory thereof and supplementary thereto so as to apply the provisions of said act to mortgages and leases, made by the order of surrogates.

PASSED April 12, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter eighty-two of the laws of eighteen hundred and fifty entitled "An act for the protection of purchasers of real estate upon sales made by order of surrogates" is hereby amended so as to read as follows :

§ 1. Every mortgage, lease or sale, heretofore made or hereafter to be made, under any of the provisions of the fourth title of chapter six of the second part of the revised statutes, and of the acts amending the same or in addition thereto, shall be deemed and held to be as valid and effectual as if made by order of a court having original general jurisdiction ; and the title of any purchaser at any such sale, made in good faith, and the validity of any such mortgage or lease shall not be impeached or invalidated by reason of any omission, error, defect or irregularity in the proceedings before the surrogate, or by an allegation of want of jurisdiction on the part of such surrogate, except in the manner and for the causes that the same could be impeached or invalidated in case such mortgage, lease or sale had been made pursuant to the order of a court of original general jurisdiction. Sales, etc., made by order of surrogate, validity of.

§ 2. Section two of said act is hereby amended so as to read as follows :

§ 2. No such mortgage, lease, or sale under any of the provisions of the fourth title of chapter sixth of part second of the revised statutes, and of the acts amending the same, or in addition thereto, shall be invalidated, nor in any wise impeached for any omission or defect in any petition of any executor or administrator under the provisions of said title and acts amending the same, provided such petition shall substantially show that an inventory has been filed, and that there are debts, or is a debt, which the personal estate is insufficient to discharge, and that recourse is necessary to the real estate (or some of it) whereof the decedent died seized. Titles not invalidated for defects in petition.

§ 3. Section three of said act as amended by chapter two hundred and sixty of the laws of eighteen hundred and sixty-nine, and chapter

ninety-two of the laws of eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

When sales by order of surrogates not to be invalidated for certain irregularities.

§ 3. Nor shall any such mortgage, lease, or sale be invalidated nor in any wise impeached, by reason that any such petition was or shall be presented by less than the whole number of executors or of administrators; nor by reason that, after the filing of any such petition, any bond required by law has been, or shall be, given by less than the whole number of the executors or administrators petitioning; nor by reason that an inventory of the testators or intestate's estate has been or shall be made and filed by less than the whole number of the executors or administrators nor by reason than any further or other proceeding, notice, sale, deed, or return has been, or shall be had or made, by less than the whole number of executors or administrators petitioning; nor by reason of any omission to serve upon any minor, heir, or devisee, personally, or by publication, a copy of the order to show cause required by the fifth section of the fourth title of chapter six, part second of the revised statutes; provided such order shall have been duly served on the general guardian of the minor, or the guardian appointed in such proceeding; nor by reason of any irregularity in any matter or proceeding after the presenting of any petition and the giving notice of the order to show cause why the authority or direction applied for should not be granted, and before the order confirming such sale; nor after a lapse of five years from the time of such sale, where the notice of such sale has been published for six weeks successively before the day of such sale, although such publication may not have been for the full period of forty-two days; and in all cases where the records of the office of the surrogate, before whom such proceedings were taken, have been removed from the house, office or other building in which such proceedings were taken, to another house, office or other building, after such proceedings were taken, and the full period of twenty-five years has elapsed since said sale, it shall be presumed that guardians have been duly appointed for all minors, heirs or devisees, of the real estate sought to be mortgaged, leased or sold in such proceeding, such presumption to be rebutted only by record evidence in such office showing affirmatively that such guardian or guardians were not appointed; provided that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced for the recovery of any lands or the proceeds thereof, sold under or by virtue of any order of any surrogate's court, and provided also that nothing in this act contained shall be construed to affect in any manner any suit or proceeding already commenced to foreclose such mortgage, or any suit or proceeding already commenced in which the validity of such lease shall or may come in question.

§ 4. Section four of said act is hereby amended so as to read as follows:

Surrogates not authorized to violate law.

§ 4. This act shall not be construed as authorizing any surrogate, or officer performing the duties of the office of surrogate, to make any order for the mortgage, lease, or sale of the real property of a deceased person, or to confirm any such sale, unless upon a due examination he shall be satisfied that the provisions of said title have been complied with as if this act had not been passed.

§ 5. This act shall take effect immediately.

CHAP. 130.

AN ACT to authorize the common council of the city of Buffalo to increase the appropriation for the support of the poor to meet the deficiency for the year eighteen hundred and seventy-seven.

PASSED April 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Buffalo are hereby authorized to add to the appropriation for the support of the poor for the year eighteen hundred and seventy-eight, the sum of twenty-three thousand dollars, to meet the deficiency in the poor fund for the year one thousand eight hundred and seventy-seven.

§ 2. This act shall take effect immediately.

CHAP. 131.

AN ACT to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the town of Eastchester, in the county of Westchester, which is generally known as West Mount Vernon and Central Mount Vernon, and which by an act of the legislature entitled "An act to incorporate the village of West Mount Vernon," passed May fifth, eighteen hundred and sixty-nine, was made a corporation, by the name and corporate title of the village of West Mount Vernon, is hereby annexed to, merged in, and made a part of the village of Mount Vernon, and shall hereafter constitute a part of the village of Mount Vernon, subject to the same laws, ordinances, regulations, obligations and liabilities, and entitled to the same rights, privileges, franchises and immunities in every respect, and to the same extent as if the said territory had formed a part of the said village of Mount Vernon at the time of the first organization thereof, and Protection engine company of the said village of West Mount Vernon, organized by and under the authority of the board of trustees of the said village of West Mount Vernon, shall be continued in case the annexation herein mentioned takes place with the same rights and privileges in all respects as if the said village of West Mount Vernon continued in existence.

Village
officers,
when
terms of
office shall
expire.

Taxes.

Books,
papers,
etc.

Treasurer
of West
Mount
Vernon,
his duties.

Sale of
lands for
taxes.

Approval
by voters.

§ 2. The several officers now elected, qualified and acting as officers of the village of West Mount Vernon, under existing laws, shall continue to act as such, with all their present powers, until ten days after the elections provided for in section six of this act. The collector of taxes of the said village of West Mount Vernon shall continue in the manner provided by the law under which he was appointed, in the execution of his duties, until ten days after the elections provided for in section six of this act, and said collector shall make return of and pay over all said taxes and assessments, as required by law, and all moneys so collected and paid over shall be applied by the trustees of the said village of West Mount Vernon, previous to the annexation of said village of West Mount Vernon to the village of Mount Vernon, and by the trustees of the village of Mount Vernon after said annexation, if any of said moneys shall then remain unexpended, to the satisfaction and discharge of the obligations incurred by said village of West Mount Vernon, in anticipation of the collection of said taxes and assessments; and any debts or obligations lawfully owing or incurred by the said village of Mount Vernon, remaining unpaid in whole or in part at the time of annexation, shall be a charge against the village of Mount Vernon, and may be recovered in like manner as other debts against said village.

§ 3. It shall be the duty of the several officers of the village of West Mount Vernon, excepting the treasurer of said village, to deliver over to the clerk of the village of Mount Vernon, all books, papers and official documents in their possession, and relating to their respective offices, within ten days after the election provided for in the sixth section of this act.

§ 4. It shall be the duty of the treasurer of the village of West Mount Vernon, to pay over and deliver to the treasurer of the village of Mount Vernon, within ten days after the election provided for in section six of this act, all moneys then in his hands, or subject to his control as such treasurer, and all vouchers, books of account and official documents pertaining to said office; but said moneys so paid over shall be applied and paid out and expended by the trustees of the village of Mount Vernon, only for the purposes for which the same were levied and assessed upon the taxable property of the village of West Mount Vernon.

§ 5. The trustees of the village of Mount Vernon, and their successors in office, are hereby authorized to cause the sale of the land or estate of any person upon which any tax or assessment shall have been assessed by the trustees of the village of West Mount Vernon, for a term of years, in the cases in which the trustees of the said village of West Mount Vernon, might heretofore have caused such sale, and in the manner provided by law for the sale of lands for the non-payment of taxes and assessments in the village of Mount Vernon; and the same proceedings may be had upon such sale, and with the same effect as if such assessments had been made by the trustees of the village of Mount Vernon.

§ 6. No steps shall be taken in pursuance of the provisions of this act, until the same shall be approved by a majority of the voters of each of said villages, voting at a special village election to be called and held by the trustees thereof as provided in the charter of said village within sixty days after the passage of this act. The trustees of each village shall give at least ten days notice of such election by posting such notice in at least six public and conspicuous places in the village in

which such election is to be held, and by publication of such notice in all the newspapers of each village, once in each week for two weeks. The said election shall be conducted in all other respects as now provided by law, for elections in said villages respectively. The ballots shall contain the words, "In favor of consolidation," or "Opposed to consolidation." If a majority of the ballots cast at each of such elections shall contain the words, "In favor of consolidation," the approval aforesaid shall be considered as given. A certificate of the result of such elections shall be filed by said trustees in the office of the county clerk of Westchester county, within five days after such election shall be held.

§ 7. Upon the annexation of the said village of West Mount Vernon to the village of Mount Vernon, the latter village shall acquire and be vested with all the rights, title and interest of the said village of West Mount Vernon in and to all lands, in said village of West Mount Vernon heretofore sold for the non-payment of taxes and assessments under and by virtue of chapter six hundred and eleven of the laws of eighteen hundred and sixty-nine, and the acts amendatory thereof, which have been bid in at such sales for or on behalf of said village of West Mount Vernon.

Title of
lands bid
in at tax
sales.

§ 8. The board of trustees of the village of Mount Vernon are authorized and empowered, if the vote provided for in section six of this act be in favor of the annexation of the village of West Mount Vernon to the village of Mount Vernon, to divide the village of Mount Vernon into wards, the number of which shall not exceed one for every one thousand inhabitants of said village, and to establish the territorial boundaries and limits of the said wards, whenever they shall consider such division necessary, such wards to be as equal in population as may be. At the annual elections after such division a trustee for said village shall be elected in each of said wards, by the legal voters resident therein, in the place of the trustees whose terms of office shall then be expiring, such trustees so elected to serve for the term of two years. And no trustee of said village shall, after such division of the said village of Mount Vernon into wards, be elected in any other manner, and the board of trustees, may, by ordinance, enact such other provisions in respect to such elections, as shall be necessary and proper, to carry into full effect the provisions of this section in respect to elections of trustees by wards.

Trustees
may divide
village in-
to wards.

Trustees,
election
of.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

Repeal.

CHAP. 132.

AN ACT to amend chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty-five of section one of chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

May authorize election of tax receivers, etc.

25. To authorize any town which shall make application therefor, by the vote of an annual town meeting, to elect a tax receiver in place of a collector, to prescribe the mode of the collection of taxes, the security to be given, and the commission or other compensation to be allowed to such tax receiver for his services.

§ 2. This act shall take effect immediately.

CHAP. 133.

AN ACT to extend the time for the collection of taxes in the town of Johnstown, in the county of Fulton.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Collection of taxes, time extended.

SECTION 1. The time for the collection of taxes in the town of Johnstown in the county of Fulton is hereby extended to the first day of June, eighteen hundred and seventy-eight, provided however that within ten days after the passage of this act the collector of said town shall pay over all money already collected and execute an official bond to the satisfaction of the supervisor of the said town of Johnstown. But nothing herein contained shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller as now provided by law.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 134.

AN ACT in relation to infectious and contagious diseases of animals.

PASSED April 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any infectious or contagious disease affecting domestic animals shall be brought into or shall break out in this state, it shall be the duty of the governor to take measures to suppress the same promptly, and to prevent the same from spreading.

Governor to suppress.

§ 2. For such purpose the governor shall have power :

To issue his proclamation, stating that infectious or contagious disease exists in any county or counties of the state, and warning all persons to seclude all animals in their possession that are affected with such disease or have been exposed to the infection or contagion thereof, and ordering all persons to take such precautions against the spreading of such disease as the nature thereof may in his judgment render necessary or expedient.

Powers of the governor in relation thereto.

To order that any premises, farm or farms where such disease exists or has existed be put in quarantine, so that no domestic animal be removed from or brought to the premises or places so quarantined, and to prescribe such regulations as he may judge necessary or expedient to prevent infection or contagion being communicated in any way from the places so quarantined.

To quarantine farms.

To call upon all sheriffs and deputy sheriffs to carry out and enforce the provisions of such proclamations, orders and regulations, and it shall be the duty of all sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the governor in the premises.

To call on sheriffs.

To employ such and so many medical and veterinary practitioners and such other persons as he may from time to time deem necessary to assist him in performing his duty as set forth in the first section of this act, and to fix their compensation.

To employ veterinary surgeons.

To order all or any animals coming into the state to be detained at any place or places for the purpose of inspection and examination.

To order detention of animals. To prescribe the destruction and disposition of diseased animals.

To prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion, provided that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the governor as aforesaid.

To prescribe regulations for the disinfection of all premises, buildings and railway cars, and of all objects from or by which infection or contagion may take place or be conveyed.

As to disinfection of premises.

To alter and modify from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel or withdraw the same at any time.

To alter orders and regulations.

§ 3. Any person transgressing the terms of any proclamation, order or regulation issued or prescribed by the governor under authority of this act, shall be guilty of a misdemeanor.

Penalty for violating orders and regulations.

Expenses

§ 4. All expenses incurred by the governor in carrying out the provisions of this act, and in performing the duty hereby devolved upon him, shall be audited by the comptroller as extraordinary expenses of the executive department, and shall be paid out of any moneys in the treasury not otherwise appropriated.

CHAP. 135.

AN ACT to provide that the superintendent of the poor of the county of Yates may be the keeper of the poor-house of said county.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superintendent may be keeper of poor-house. Salary.

SECTION 1. The superintendent of the poor now or hereafter elected in the county of Yates, may with the consent of the board of supervisors, be the keeper of the poor-house of said county.

§ 2. The salary of said superintendent and keeper shall be fixed by resolution of the board of supervisors of said county at the next meeting of said board after the passage of this act, and when so fixed shall remain until said board shall by resolution otherwise direct.

Repeal.

§ 3. All laws inconsistent with this act, are hereby repealed so far as they apply to the county of Yates.

§ 4. This act shall take effect immediately.

CHAP. 136.

AN ACT to change the name of the union free school district number one of the town of Clarence.

PASSED April 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name changed.

SECTION 1. The name of the union free school district number one of the town of Clarence, in the county of Erie, is hereby changed to the Parker union free school district number one of the town of Clarence and the board of education thereof shall hereafter be designated and known by the name and style of the board of education of the Parker union free school district number one of the town of Clarence.

No change except name authorized.

§ 2. This act shall not be construed to work any change whatever, except the change of the names of said union free school and its board of education.

§ 3. This act shall take effect immediately.

CHAP. 187.

AN ACT to enable the Home for Incurables to take and hold real estate to the amount of two hundred and fifty thousand dollars in value.

PASSED April 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Home for Incurables, a corporation located in the city of New York, and duly incorporated and organized under an act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, one thousand eight hundred and forty-eight, and the acts amendatory thereof and supplementary thereto, is hereby authorized to take by purchase, devise or otherwise, and to hold, transfer and convey, for the purposes of said corporation, and for no other purpose, real property to an amount not exceeding the sum of two hundred and fifty thousand dollars in value.

May take, hold and convey real estate.

Amount limited.

§ 2. This act shall take effect immediately.

CHAP. 138.

AN ACT to amend chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the State of New York, but doing business therein," passed May twenty-eight, eighteen hundred and seventy-five.

PASSED April 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, entitled "An act to require the payment of certain premiums to the fire departments of cities and incorporated villages, by fire insurance companies not organized under the laws of the state of New York but doing business therein," is hereby amended so as to read as follows:

§ 3. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding section of this act, without having executed and delivered the bond required by the preceding sections, shall for each offense forfeit two hundred dollars, for the use and benefit of the fire department of such city and village; such penalty of two hundred dollars shall be collected by and in the name of the fire department of the city or village in which the property insured or agreed to be insured is situate. And the treasurer or chief financial officer of any city or incorporated village, having no incorporated fire department or incorporated fireman's relief or benevolent society, receiving any money under the provisions of chapter four hundred

Penalty for transacting insurance business without having given bond required.

When money to be paid over to fire companies.

Failure to
pay over.

and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six, shall on or before the fifteenth day of November, in each year, apportion and pay over all such moneys so received to the treasurers of the several fire companies as are duly recognized by the common council or trustees of such city or village. And if he shall neglect or refuse to perform any or all of the duties required by this act, he shall be subject to a penalty of two hundred dollars for such neglect or refusal; and the foreman of any fire company shall be entitled to and may maintain an action and sue for, in the name of and for the benefit of such fire company, any of the proportion of penalties prescribed by this act; and premiums or penalties to which such company may be entitled, under chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and fifty-nine of the laws of eighteen hundred and seventy-six.

§ 2. This act shall take effect immediately.

CHAP. 139.

AN ACT to legalize the acts of Miles H. Bergen, as notary public.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the proceedings and official acts of Miles H. Bergen, of the county of Kings, in the state of New York, as notary public in and for said county, since the expiration of his term of office as such notary public, are hereby in all respects legalized, and they and each of them shall have the same force and effect as if his said term of office had not expired; but nothing herein contained shall affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

CHAP. 140.

AN ACT to authorize a tax of three-tenths of a mill per dollar of valuation, to provide for a deficiency in the sinking fund under article seven, section three of the constitution.

PASSED April 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax of
three-
tenths of
a mill.

SECTION 1. There shall be imposed for the fiscal year beginning on the first day of October, one thousand eight hundred and seventy-eight, a state tax of three-tenths of a mill on each dollar of the valuation of the real and personal property in this state subject to taxation, which

tax shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state, to be held by the treasurer for appropriation to the purposes designated in this act.

§ 2. The whole of the tax levied and collected under the first section of this act shall be paid into the treasury of this state to the credit of the canal fund, and is hereby appropriated and shall be applied as follows: For the payment to the sinking fund under section three, article seven of the constitution, the sum of seven hundred and sixty thousand one hundred and eighty-nine dollars and fifty-seven cents, being the amount of the deficiency which existed in said sinking fund on the thirtieth September last, after applying the surplus balances of other funds and unappropriated taxes. For the payment to said sinking fund the further sum of fifty-three thousand two hundred and thirteen dollars and twenty-seven cents, being the interest on the aforesaid deficiency to the time when the same will be realized from the tax.

Applica-
tion of
tax.

CHAP. 141.

AN ACT to authorize the board of education of Union free school district number two, of the town of Highlands, in the county of Orange, to raise money for the purchase of a school house and site.

PASSED April 16, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of Union free school district number two, in the town of Highlands, in the county of Orange, shall have the power and are hereby authorized to borrow a sum not exceeding nine thousand dollars, and expend the same in the purchase of certain lands and premises in said district, containing two acres of land and the buildings thereon, being a part of what is known as the "Oak Grove property," for the purpose of a school house and school house site in said district, and take a deed of conveyance to the said board of education in their corporate name therefor.

Board of
education
may bor-
row mon-
ey.

§ 2. The said board of education, or a majority of them, at a regular or special meeting of such board in their official capacity, are hereby authorized and empowered to issue bonds in such sum or sums as they may deem proper, to such person or persons, body or bodies corporate, as shall loan the said sum of nine thousand dollars, or any part thereof, for the purpose of repayment of such sum or sums or any part thereof, which may be borrowed as aforesaid, together with the interest that may become due thereon, not to exceed seven per cent per annum.

May issue
bonds.

§ 3. The said board of education and their successors in office, for the purpose of paying such bonds, and the interest which may grow due thereon, are authorized and empowered, and it is hereby made their duty to raise by tax upon the taxable inhabitants of said school

Purpose.

Tax for
payment
of bonds,
when and
how
levied.

Bonds,
how is-
sued, etc.

district, such principal and interest, as follows, namely : they shall annually for nine years after the first day of July, in the year eighteen hundred and seventy-eight, in addition to the sum or sums they may be entitled to raise, levy and collect under the act entitled "An act to provide for the establishing of union free schools," passed June eighteen, eighteen hundred and fifty-three and the acts amendatory thereof, and in the same manner and at the same time as provided by said act, levy, raise and collect the interest upon said bonds, and thereafter in addition to the aforesaid sum, they shall annually, until the whole of said debt, principal and interest is fully paid, in the same manner and at the same time raise, levy and collect the said interest on said bonds, and one thousand dollars of principal, and all moneys paid as aforesaid shall be paid over to the said board of education, to enable them to pay the interest thereon, and satisfy the said bonds. Said bonds shall be issued in sums not less than fifty nor more than five hundred dollars, and made in such manner that no greater sum than one thousand dollars of principal shall become due thereon in any one year, and no bonds issued in pursuance of this act, shall become due previous to the first day of August, in the year eighteen hundred and seventy-nine, and such bonds shall be respectively dated on the first day of January, in the year eighteen hundred and seventy-eight, and the interest thereon shall be computed from the date thereof, and shall be made payable annually on every first day of August thereafter, as long as the principal moneys secured thereby, respectively or any part thereof shall be unpaid, and shall not be negotiated at less than par, and the interest that shall have accrued thereon from January first, eighteen hundred and seventy-eight, up to the time of such negotiation.

§ 4. This act shall take effect immediately.

CHAP. 142.

AN ACT to amend chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled An act to provide for the planting and protection of oysters in those portions of the Great South Bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business.

PASSED April 16, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide for the planting and protection of oysters in those portions of the Great South Bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business," is hereby amended so as to read as follows :

Any in-
habitant
of Islip or
Babylon
may locate
lot.

§ 1. It shall be lawful for any inhabitant of either of the towns of Islip or Babylon, in Suffolk county, of full age and having resided in either of said towns for one year next preceding, by and with the consent of

the oyster commissioners hereinafter named, and upon complying with the provisions of this act hereinafter contained, to locate a lot not to exceed four acres in extent under the public waters of the Great South Bay in either of said towns where the taking of clams cannot be profitably followed as a business, and he shall be entitled to and shall have the exclusive ownership and property in all oysters upon said lot, and the exclusive right to use the said lot for the purposes aforesaid.

Ownership
of oysters
thereon.

§ 2. Section two of said act is hereby amended so as to read as follows :

§ 2. For the purpose of ascertaining and determining what portion or portions of said bay may be taken for the purpose of planting oysters as aforesaid, a board of commissioners, consisting of two from the town of Islip and one from the town of Babylon, whose official title shall be "Oyster Commissioners," shall be appointed each by the board of town auditors or a majority of them of his or their said town respectively. The first appointment to be made within twenty days after the passage of this act, and when so appointed they shall hold office until the next annual town meeting; and their successors in office shall annually be appointed in the same manner, on the Tuesday immediately preceding every annual town meeting. Such appointment shall be certified in duplicate, in writing, that by Babylon, by said auditors of Babylon, or a majority of them; that by Islip, by said auditors of Islip, or a majority of them, and a copy of said certificate shall be filed with the town clerk of each of said towns; and it shall be the duty of said town clerks, respectively, forthwith to notify each person so appointed in his town of such appointment.

Oyster
commis-
sioners to
be ap-
pointed.

Terms
of office.

§ 3. Section three of said act is hereby amended so as to read as follows :

§ 3. Every person appointed to the office of oyster commissioner, before he enters upon the duties of his office and within ten days after he shall be notified of his appointment, shall take and subscribe the oath of office prescribed by the constitution, and shall execute in the presence of the supervisor or town clerk of his town a bond to the supervisor of his town, in the penalty of not less than two hundred dollars, with one or more sufficient sureties to be approved of by such supervisor or town clerk, conditioned for the faithful performance of his duties as such commissioner, which bond shall be filed in the office of such town clerk.

Official
oath.

Bond.

§ 4. Section five of said act is hereby amended so as to read as follows :

§ 5. If any person appointed to the office of oyster commissioner shall refuse to serve or shall die or resign or remove out of town, for which he shall have been appointed, or become incapable of serving, before the Tuesday next preceding the next annual town meeting after he shall have been appointed, the said board of town auditors of his said town shall, within ten days after the happening of such vacancy, supply the same as hereinbefore provided.

Vacancy,
how filled.

§ 5. Section six of said act is hereby amended so as to read as follows :

§ 6. It shall be the duty of said commissioners, or a majority of them, on application of any such inhabitants as aforesaid, and upon notice to all of said commissioners, to attend and examine the lot applied for, and ascertain and determine whether the taking of clams can or cannot be profitably followed as a business thereon, and if they shall determine that it cannot, then and not otherwise they shall lo-

Commis-
sioners
to locate
lot.

Surveys
and maps.

Decisions
as to loca-
tions, etc.,
final.

Expenses
of loca-
tion and
yearly
rent.

Certificate
of loca-
tion.

When
right to
possession may
be termin-
ated.

Certificate
of the fact.

Compensa-
tion of
commis-
sioners.

Commis-
sioners to
account.

cate the lot for him, which shall be clearly marked and defined by means of buoys, stakes or otherwise, as said commissioners, or a majority of them, shall direct, and in such manner as shall not interfere with net fishing, as a notice to the public that it has been selected for the purposes aforesaid. And it shall be the duty of said commissioners to procure or cause to be made all surveys and maps which they may deem necessary for defining the portions of said bay which may be allotted for the purposes aforesaid, describing thereon the lots which may be located under this act, and to file copies of all such surveys and maps in the office of the town clerk of each of said towns. On all questions which may arise under this act as to the location of the lots or the boundaries thereof, or the portions of said bay which may be allotted for the purposes aforesaid, the decision of the said commissioners, or a majority of them, shall be final and conclusive. On payment by any such applicant of the expense of locating his lot, which shall be determined by the said commissioners, but shall in no case exceed the sum of ten dollars and the additional sum of one dollar per acre as yearly rent, they, or a majority of them, shall give to such applicant a certificate showing that he has by their consent located a certain lot, and particularly describing said lot, and stating the amount of charges and rental paid therefor, and that the taking of clams cannot be profitably followed thereon as a business, and directing in what manner said lots shall be marked and defined, which certificate shall entitle the person named therein to the possession of said lot for the purposes of this act so long as he shall keep the said lot clearly defined in the manner so directed by said commissioners; but if such person shall neglect to plant his lot with at least one hundred bushels of oysters and shells during the period of one year from the date of his certificate, or shall neglect to pay said yearly rent on or before the first day of April in each and every year, his rights to the possession of the said lot may be terminated at the option of a majority of said commissioners, and in case such right of any person shall be terminated by the decision of said commissioners as aforesaid a written certificate of such fact shall be made in duplicate, and one of the said certificates shall be filed with each of the town clerks of said towns. A duplicate of every certificate consenting to the location of any lot as aforesaid shall also be filed by said commissioners with each of the said town clerks, who shall enter the name of the person entitled thereto and the sum or sums specified therein in a book, to be procured and kept by them respectively for that purpose.

§ 6. Section seven of said act is hereby amended so as to read as follows:

§ 7. Each of said commissioners shall be allowed the sum of five dollars per day for his services actually rendered under this act, the same to be paid only out of the fund received for locating lots pursuant to section six of this act, and shall not receive therefor any additional fees or compensation from any person or persons whomsoever, and each of said commissioners shall at the usual annual auditor's meeting of said towns account for and pay over all moneys in his hands to the said board of auditors, to wit: the moneys paid in by inhabitants of Babylon to the board of auditors of the town of Babylon, and all moneys paid in by the inhabitants of the town of Islip to the board of auditors of the town of Islip, and the said respective boards of auditors shall audit the accounts of the said commissioners

or commissioner appointed from their town at the same time and in the same manner as those of other town officers, and shall pay all proper charges for services rendered under and by virtue of the provisions of this act out of the moneys so received, and shall pay the balance, if any, to the supervisor of said town, to be credited on its contingent fund. But no fees or salary allowed any commissioner named under this act shall be a charge upon or be paid by either of said towns of Islip or Babylon.

Balance to be paid to supervisor.

§ 7. Section eight of said act is hereby amended so as to read as follows:

§ 8. It shall not be lawful for any person to retain possession of any such lot after he shall cease to be a resident of either of said towns of Islip or Babylon, but he may sell and assign his interest in any such lot to any inhabitant of either of said towns for one year; but no person shall acquire possession of more than one lot by purchase or otherwise.

Interest in lots assignable.

§ 8. Section nine of said act is hereby amended so as to read as follows:

§ 9. Any person other than the one who planted the oysters, or his legal representatives, who shall take any oysters, from a lot thus marked out and occupied as above provided, or who shall oyster on any such lot or in any way disturb the same, shall be liable for a penalty of fifty dollars for each offense, to be recovered by the owner of the oysters or his legal representatives in any action brought before any justice of the peace of either of said towns, and shall also be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not over one hundred dollars or imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

Penalty for taking oysters from such lots, etc.

§ 9. Section eleven of said act, is hereby repealed.

Repeal.

§ 10. Upon the appointment of such commissioners and the filing of the certificates thereof, as herein above provided, the term of office of the present oyster commissioners, now acting in the town of Islip, shall cease.

Terms of present commissioners.

§ 11. The provisions of this act shall not in any way impair the rights of the present owners of oyster lots planted pursuant to the provisions of the act hereby amended.

Proviso.

§ 12. The title of said act is hereby amended so as to read as follows: An act to provide for the planting and protection of oysters in those portions of the Great South Bay lying in the towns of Islip and Babylon, in Suffolk county, wherein the taking of clams cannot be profitably followed as a business."

Title of act.

§ 13. This act shall take effect immediately.

CHAP. 143.

AN ACT relating to the disposition of the prism and banks of the Crooked Lake Canal.

PASSED April 18, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the land office of the state of New York are hereby authorized, for the consideration of one hun-

Commissioners of land office

authorized
to convey.

Convey-
ance.

Proviso.

dred dollars, to release and convey all of the right, title and interest of the state of New York in and to the banks and prism of the Crooked Lake canal, to the Penn Yan and New York railway company, for the purpose of constructing, maintaining and operating a railroad between Penn Yan and Dresden along the line of said canal.

§ 2. Upon the receipt of the sum mentioned in the first section of this act, the commissioners of the land office shall make over to the Penn Yan and New York railway company the interest of the state of New York to the prism and banks of the Crooked Lake canal, by such a conveyance as will fully alienate the right, title and interest of the state therein and thereto. Provided, that if the said railroad company shall not construct and complete said railroad, or cause the same to be done, within two years from the passage of this act, then said conveyance and alienation shall be void and of no effect.

§ 3. This act shall take effect immediately.

CHAP. 144.

AN ACT further to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act for the relief of the surviving members of the First regiment of New York volunteers, who served in the war with Mexico.'"

PASSED April 19, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Section two of chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-five, entitled: "An act to amend an act entitled 'An act for the relief of the surviving members of the First regiment of volunteers who served in the war with Mexico,'" is hereby further amended so as to read as follows:

Appropri-
ation.

§ 2. In addition to the sum of nine thousand three hundred and eighty-eight dollars, heretofore appropriated, the further sum of three thousand six hundred and thirty-eight dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated to carry into effect the provisions of this act.

§ 2. This act shall take effect immediately.

CHAP. 145.

AN ACT to extend the time for collection of taxes in the city of Oswego.

PASSED April 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
extended.

SECTION. 1. Upon the collectors of taxes of the city of Oswego in the county of Oswego, respectively, renewing their several bonds, or giv-

ing new bonds to the satisfaction of the supervisors authorized by law to approve the same, in penalties at least double the amount remaining uncollected under their respective warrants, within ten days after the passage of this act, and within the same time, respectively paying over to the county treasurer of Oswego county or other proper officers, all moneys which shall then have been collected by them respectively, the time for collecting the taxes in said city, and making returns thereof and the warrants to collect the same shall be extended to the thirtieth day of June, eighteen hundred and seventy-eight.

§ 2. This act shall take effect immediately.

CHAP. 146.

AN ACT in relation to the franchise and powers of the village of Athens.

PASSED April 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Any ferry franchise and powers legally held and possessed by the trustees of the village of Athens, at the time of the re-incorporation of said village, under chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," are hereby preserved to, and vested in the village of Athens as incorporated under said act and may be exercised and enjoyed as fully and to the same extent as if such re-incorporation had not been made. Said village may, by an instrument in writing under its corporate seal signed by the president and trustees thereof, lease its ferry property, privileges and rights for a term not exceeding ten years.

Preservation of ferry franchise, etc.

Lease of ferry.

§ 2. The village of Athens may, by ordinance, to be adopted by the trustees, prohibit vessels from anchoring or stopping in the Hudson river in front of the ferry slip or wharf in said village and may prescribe, enforce and collect penalties for the violation of such ordinances, not exceeding one hundred dollars for each offense. Such ordinances shall be conspicuously posted in three public places in said village for ten days before they shall take effect, provided, nevertheless, that nothing in this act contained shall in anywise be understood to affect or alter the ferry rights heretofore granted by charter or otherwise to the city of Hudson.

Ordinances to prohibit vessels from stopping in front of ferry slip, etc.

Ferry rights of city of Hudson not affected.

§ 3. This act shall take effect immediately.

CHAP. 147.

AN ACT to amend the title of chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight, entitled “ An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county ; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon.

PASSED April 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of
act
amended.

SECTION 1. The title of chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight is hereby amended so as to read as follows: An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county ; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of West Mount Vernon.

§ 2. This act shall take effect immediately.

CHAP. 148.

AN ACT authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison.

PASSED April 19, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Superin-
tendent of
state pris-
ons au-
thorized to
construct,
etc.

Employ-
ment of
labor.

May use
timber,
etc., from
state
lands.

SECTION 1. The superintendent of state prisons is hereby authorized and empowered to survey, locate and construct a railroad from a point at or near the Clinton state prison at Dannemora, in the county of Clinton, to a point in the town of Plattsburgh at or near the waters of Lake Champlain, of the gauge of not more than three feet and six inches, nor less than thirty inches, within the rails, for public use in the transportation of persons and property, and, to such extent as deemed advisable, to employ such labor in the grading, bridging and constructing of said road, and in the manufacture of spikes, chairs and such other material necessary in the construction of said road, and in such way as the same may be employed with due economy to the interest of the state. The said superintendent of prisons is also authorized and empowered to use timber or other materials from the lands belonging to the state in the construction of said road, and of the bridges and superstructure thereof, and in the repair thereof.

§ 2. In case the said superintendent of state prisons shall be unable to agree for any real estate required for the purpose of said road, such title may be acquired on a petition by said superintendent in the manner provided by an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, for acquiring title to land for railroad purposes, except that, in any petition therefor, no averment of subscription to stock, or the filing of any map shall be required.

Title to
real estate,
how ac-
quired.

§ 3. The said superintendent of state prisons is hereby authorized and empowered to receive contributions of property, money or labor, or land, for the right of way or depot ground, and any property, money or labor so contributed shall be applied and expended in the construction of said road.

Superin-
tendent
may re-
ceive con-
tributions.

§ 4. Said superintendent is also authorized and empowered, upon the completion or partial completion of said road, to lease said road for such term of years and upon such terms and conditions as shall be approved of, in writing, by the governor and comptroller of this state.

May lease
road sub-
ject to ap-
proval.

§ 5. The sum of eighty thousand dollars, or so much thereof as may be necessary for that purpose, is hereby appropriated and authorized to be paid to the said superintendent of state prisons by the state treasurer, upon the warrant of the comptroller, to be expended in the survey, location and right of way of said road, and in its construction, provided and on condition that the cost of said road shall not exceed said sum in addition to the convict labor laid out thereon.

Appropri-
ation.

Proviso.

§ 6. This act shall take effect immediately.

CHAP. 149.

AN ACT in relation to the redemption of lands in the city of Yonkers from sales for unpaid taxes and assessments.

PASSED April 19, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION. 1 At any time within one year after the passage of this act, the owner, occupant or other person interested in any lands or premises situated in the city of Yonkers, which have been heretofore sold for the non-payment of taxes or assessments, and for which the city of Yonkers has or is entitled to have a lease or certificate of sale, may pay to the city clerk of said city the amount for which said lands and premises were so sold, together with interest thereon at the rate of eight per cent per annum, to be calculated from the date of sale, and all other expenses incurred by said city by reason of the purchase of such lands and premises. Upon such payment, such lease and certificate of sale shall cease to be any lien upon such lands and premises, and shall be deemed fully paid, satisfied, cancelled and discharged, and there shall be no right to any further interest or penalty, by reason of such lands and premises not having been redeemed from such tax or assessment sale within the time heretofore required by law, or by reason of any statute heretofore passed requiring the payment of any penalty

Redemp-
tion of
lands sold
for unpaid
taxes and
assess-
ments.

or interest over eight per cent per annum, upon any unpaid tax or assessment, or for the redemption from such sales. Upon such payment the said city clerk shall cancel and discharge such lease, certificate of sale, and the record thereof in his office, and pay over to the city treasurer of the city of Yonkers, the amount of such money received by him.

§ 2. This act shall take effect immediately.

CHAP. 150.

AN ACT making appropriations for the payment of the principal and interest of the canal debt for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight, and to supply in part a deficiency in the sinking fund, under article seven, section three of the constitution.

PASSED April 19, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

For interest

For sinking fund.

For deficiency in sinking fund.

SECTION 1. The following sums are hereby appropriated out of the revenues of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight: For the payment of the interest in coin on the loans made under section three of article seven of the constitution, the sum of five hundred and sixty-seven thousand eight hundred and sixty-three dollars and ten cents, or so much thereof as may be necessary. To provide for the sinking fund for the extinguishment of the principal of the loans, made under section three of article seven of the constitution, the sum of four hundred and fifty thousand dollars.

§ 2. The sum of one hundred and forty-three thousand seven hundred and fifty-seven dollars and forty-five cents, being the surpluses of the sinking funds, under sections one and twelve of article seven of the constitution, together with the sum of one hundred and twenty thousand two hundred and thirty-two dollars and forty-nine cents, being the unappropriated surplus of the tax authorized by chapter fifty-five of the laws of eighteen hundred and seventy-seven, are hereby appropriated to the sinking fund, under article seven, section three of the constitution, to supply in part the deficiency which existed in that fund on the thirtieth September, eighteen hundred and seventy-seven, in consequence of a failure in the revenues of the canals to meet appropriations.

§ 3. This act shall take effect immediately.

CHAP. 151.

AN ACT to amend chapter six hundred and twenty-four of the laws of eighteen hundred and seventy-four, entitled "An act to amend several acts incorporating the village of Oswego Falls," passed June ninth, eighteen hundred and seventy-four, and to amend chapter two hundred and thirteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Oswego Falls," passed March twenty-second, eighteen hundred and sixty-six.

PASSED April 20, 1878; three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections three and twelve of the act passed June ninth, eighteen hundred and seventy-four, entitled "An act to amend the several acts incorporating the village of Oswego Falls," are hereby repealed.

§ 2. Section five of the act passed March twenty-second, eighteen hundred and sixty-six, entitled "An act to incorporate the village of Oswego Falls," is hereby amended so as to read as follows:

§ 5. The clerk, street commissioner, policemen and jailor shall be appointed by the trustees, and shall hold their office during the pleasure of the trustees, all other officers hereinbefore enumerated shall be elected at elections to be held as hereinafter prescribed, and except the police justice shall hold their offices for one year, and until others are elected and qualified. The police justice shall hold his office for four years.

Officers to be appointed.
To be elected.

§ 3. Subdivision twelve of section twenty-nine of said act is hereby amended so as to read as follows:

12. To prohibit any person or persons from retailing meat or fish from wagons, sleighs or other vehicles in the village, without license, and to prohibit any person or persons from carrying passengers in or about the village in omnibuses, hackney carriages, carry-alls or other vehicles, without license. Such license or licenses may be granted with or without charge in the discretion of the trustees. Nothing herein contained shall prevent farmers and gardeners from disposing of the products of their farms or gardens in said village without a license.

Retailing meat, etc., from wagons and carrying passengers, without license.

§ 4. Sections sixty-two and sixty-three of said act are hereby amended so as to read as follows:

§ 62. The police justice of said village shall hereafter be elected at the annual election of officers of said village, and shall hold his office for a term of four years from his election, and until another is elected and qualified. Before entering upon the duties of his office, he shall take and subscribe the usual oath of office, and file the same in the clerk's office of the county of Oswego, at which office his election shall be certified by the president and clerk of said village. He shall possess the same powers, except as herein otherwise provided and enlarged, and be subject to the same duties and liabilities in criminal cases as justices of the peace of the several towns in this state, and is hereby authorized and empowered to inflict punishment by fine, not

Police justice.

His powers and duties.

exceeding two hundred and fifty dollars, or imprisonment not exceeding one year, or both, and may, in his discretion, when the sentence of any person shall be for a time not less than three months, commit such person to the penitentiary of the county of Onondaga, providing the agreement authorized by section seven of chapter three hundred and thirty-eight of the laws of eighteen hundred and fifty shall have been made by the board of supervisors of the county of Oswego, and be of force.

His jurisdiction in misdemeanors.

Mode of procedure.

Postponement of trial.

§ 63. He shall have jurisdiction to try, and shall proceed (without allowing bail to the grand jury) and try all persons brought before him accused of any crime of the grade of misdemeanor or other crime not punishable by imprisonment in the state prison, but any such person shall have the right of trial by jury, as provided by courts of special sessions, if he shall demand the same. Said police justice shall, in all things relating to the mode and manner of procedure in his court, and in arraignment or trial of parties accused, be governed by the same laws and rules as justices of the peace or courts of special sessions in towns, and he may, when in his judgment a complaint has been made before him without probable cause, impose the costs of the proceedings upon the complainant, and enforce the payment thereof as in other cases, and whenever it shall appear to the satisfaction of said police justice that the postponement of the trial of any person to be tried before him is necessary, he may postpone such trial to a day certain, and may, pending such postponement or adjournment, admit such person to bail. If the bond so taken shall be forfeited by the non-appearance of the accused at the time fixed for such, the same may be prosecuted by and in the name of the supervisor of the town of Granby, and for the benefit of said town.

§ 5. This act shall take effect immediately.

CHAP. 152.

AN ACT further to amend section two of title two of chapter thirteen of part one of the revised statutes, entitled "Of the assessment and collection of taxes," and to amend chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, entitled "An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes."

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of title two of chapter thirteen of part one of the revised statutes, as amended by chapter one hundred and seventy-six of the laws of eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Land where taxed.

§ 2. Lands occupied by a person other than the owner, may be assessed to the occupant, as lands of non-residents, or, if the owner resides in the county in which such lands are located, to such owner.

§ 2. Sections nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-seven, thirty-three, thirty-four, thirty-seven, thirty-eight, forty-one, forty-eight and eighty-six of chapter four hundred and twenty-seven of the laws of eighteen hundred and fifty-five, are hereby amended so as to read as follows:

§ 9. Whenever any account of arrears of taxes on lands of non-residents shall be received by the comptroller from a county treasurer, he shall examine such account and reject all taxes entered thereon, that shall be found to be erroneous, and all taxes found thereon charged on lands erroneously or imperfectly described, and shall credit such county treasurer in a book to be kept by him for that purpose, with the amount of all arrears of taxes which shall be admitted by him. Lands imperfectly described.

§ 16. The comptroller shall, on or before the first day of September in each year, transmit by mail or otherwise, to each county treasurer, a transcript of the taxes of the preceding year, assessed in any town or ward in such county, which shall have been rejected by him for any cause whatever, stating therein the cause of such rejection. Rejected taxes.

§ 17. Whenever the comptroller, after having transmitted such annual transcript, shall discover that any taxes credited to a county in the books of his office are erroneous, or that they have been assessed on land erroneously described or so imperfectly described that they cannot, in his opinion, be located with certainty, he shall cancel such taxes on the books of his office and charge them to the county in which such lands shall lie, with the interest thereon from the first day of March, in the year following that in which the taxes were laid to the first day of February next after such cancellation. Taxes on lands imperfectly described.

§ 18. The comptroller shall also transmit, by mail or otherwise, a transcript of the returns of such taxes, with the addition of such interest, to the proper county treasurer who shall deliver the same to the supervisor of the town or ward in which such taxes were assessed, by whom it shall be delivered to the board of supervisors at their next meeting. If the town or ward, in which such taxes were originally assessed shall have been divided since such assessment, the county treasurer shall deliver such transcript to the board of supervisors at their next meeting. Transcript to be delivered to supervisors.

§ 19. Whenever the comptroller shall have rejected any tax in the first instance, or have canceled and charged the same to a county to which it had previously been credited, the supervisor of the town or ward in which such lands are situate, shall, if in his power, add to the assessment-roll of such town or ward for the year during which such transcript shall have been forwarded by the comptroller to the county treasurer, an accurate description of such lands and the correct amount of taxes thereon, stating the tax of each year, and each kind of tax, separately, and shall furnish the comptroller with all such maps and surveys of such lands as shall have been required by him; and, if necessary, he may cause a survey and map of each lot or parcel returned for more perfect description to be made and the expense of such survey and map shall be a charge upon such land to be added to the tax thereon, and the board of supervisors shall direct the collection of such taxes and expenses so added to such assessment-roll, and they shall, for all the purposes of this act, be considered as the taxes of the year in which the description shall be perfected. If the supervisor of such town or ward shall not have fully complied with the requirements Description of lands to be made.

of this section, the comptroller shall not thereafter admit, but shall reject all such reassessed, canceled or rejected taxes as may be returned to him.

If not made, tax to be assessed upon town

§ 20. If the correct amount of such taxes and an accurate description of such lands shall not have been added, by such supervisor, to the assessment-roll of his town or ward for the year during which such transcript shall have been forwarded by the comptroller to the county treasurer, the board of supervisors shall cause such arrears of taxes and the interest thereon, to be levied on the valuations of the estates, real and personal, of the town or ward in which such taxes were originally assessed, and shall direct the same to be collected with the other taxes of the same year.

How assessed in case of division of town.

§ 21. If the town or ward in which such taxes were originally assessed shall have been divided since such assessment, then such taxes and interest shall be apportioned by the board of supervisors among the towns and wards included in the limits of such original towns or wards in such equitable manner as they may deem proper.

Certificate of taxes due.

§ 27. The comptroller shall, from time to time, give to any person desiring to pay the taxes, interest and charges due on any tract, piece or parcel of land, a certificate of the amount of such taxes, interest and charges; and the state treasurer may receive such taxes, interest and charges and give a receipt therefor upon such certificate, which shall be countersigned by the comptroller, and entered in the books of his office.

Land when to be sold.

§ 33. Whenever any tax charged on lands returned to the comptroller, and the interest thereon shall remain unpaid for two years from the first day of May, following the year in which the same was assessed, the comptroller shall, as soon thereafter as he shall deem it for the best interests of the state, proceed to advertise and sell such lands in the manner hereinafter provided.

Lists of lands and notices of sale.

§ 34. He shall make out a list or statement of the lands charged with such tax and interest and so liable to be sold, and shall cause so many copies thereof to be printed as shall be sufficient to furnish each county treasurer with at least five copies, and each town and city clerk with at least two copies, and shall transmit to each county treasurer such number of said copies as shall be equal to five copies for such county treasurer and two copies for each town and city clerk in his county. And the comptroller shall also make and cause to be printed and published in two public newspapers to be selected by him in each county, once in each week, for ten successive weeks prior to the commencement of the sale, a list or statement of all the lands in such county charged with such tax and interest. Such publication shall be in the body of each newspaper, and not in a supplement. If there shall not be two newspapers, known to the comptroller, published in any county, such list or statement shall be published as required above, in the two newspapers which the comptroller shall believe to be most generally circulated in such county. But no error in the printed description in such newspapers shall vitiate or in any manner affect the validity of such sale; and all expenses of printing such lists or statements shall be audited by the comptroller, and paid out of the treasury of this state, on receiving one copy of the newspaper containing the same, with an affidavit of the publication of such list or statement according to the provisions of this section, to be made by the printer, publisher or some other person to whom the fact of such publication shall be known.

§ 37. The expenses incurred by the state in printing and transmitting any list of lands liable to be sold for taxes, and in publishing notices of sale and lists or statements of such lands, shall be charged on the lands mentioned in such lists; and an equal part of such expense shall be estimated and apportioned by the comptroller and charged on each of the several tracts or parcels of such land.

Expenses,
how paid.

§ 38. Each county treasurer shall retain in his office five of the copies of the list or statement of lands to be sold, transmitted to him, and shall permit all persons at all reasonable hours to examine the same, and shall cause the remaining copies to be delivered to the town and city clerks.

Copies in
treasurer's
office.

§ 41. After transmitting such lists to the county treasurers, the comptroller shall cause to be published, once in each week, for twelve weeks successively, in two newspapers in or for each county, to be selected by him in the same manner as is provided in section thirty-four of this act for selecting newspapers to publish the lists of lands liable to be sold, a general notice, stating that a list of all the lands liable to be sold for taxes has been forwarded to each of the county treasurers and town and city clerks in this state, and that so much of said lands as may be necessary to discharge the taxes, interest and charges which may be due thereon at the time of sale, will, on a day to be mentioned in such notice, and the succeeding days be sold at public auction at the capitol in the city of Albany.

General
notice.

§ 48. When the comptroller shall have canceled any sale in the manner provided in section forty-seven of this act, he may issue a certificate of such sale to any other person who will pay the amount for such certificate which would be payable therefor by the original purchaser in case the said sale had not been canceled, or if such certificate cannot be sold, he may transfer the same to the people of the state; but in all cases where the people of the state becoming the purchasers by such transfer, the whole quantity of land liable to sale for the purchase-money mentioned in such certificate shall be covered by such purchase, the same as if no person had offered to bid therefor at the sale.

New cer-
tificate of
sale.

§ 86. The expenses attending the sales for taxes made under this act, including a due proportion of the expenses of printing and publishing lists and notices and transmitting copies thereof, not hereinbefore provided for, shall be a charge on the lands out of which the sales are made, and an equal part of such expense shall be estimated by the comptroller, and added to the taxes, interest and other charges on each parcel of land out of which a sale may be made.

Expenses
of sale.

§ 3. This act shall take effect immediately.

CHAP. 153.

AN ACT authorizing the Staten Island and New Jersey Suspension Bridge and Railroad Company to change its corporate name, and extending the time for the commencement of work by said corporation.

PASSED April 20, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

Name
changed.

Section 1. The corporate name of the Staten Island and New Jersey Suspension Bridge and Railroad Company is hereby changed to and shall be hereafter known as the Staten Island and New Jersey Bridge and Railway Company.

Time for
com-
mence-
ment ex-
tended.

§ 2. The time for the commencement of work under its charter by said company in building said railway and bridge is hereby extended three years from the passage of this act.

§ 3. This act shall take effect immediately.

CHAP. 154.

AN ACT limiting the power of the board of education of the city of Oswego in the purchase of school sites and the erection of school-houses.

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of education of the city of Oswego shall not purchase and shall have no power to purchase lots or sites for school-houses, or to build or enlarge school-houses upon lots or sites now or hereafter owned or acquired by said city, unless two-thirds of all the members of said board shall vote in favor of such purchases, building or enlargement.

§ 2. This act shall take effect immediately.

CHAP. 155.

AN ACT to amend chapter one hundred of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing the trustees of the village of Ballston Spa to issue bonds to be known as 'extended water bonds' to pay a portion of the water bonds now outstanding of said village, maturing in the year one thousand eight hundred and seventy-seven and thereafter."

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter one hundred of the laws of eighteen hundred and seventy-seven, entitled "An act authorizing the trustees

of the village of Ballston Spa to issue bonds to be known as 'extended water bonds,' to pay a portion of the water bonds now outstanding of said village, maturing in the year one thousand eight hundred and seventy-seven and thereafter," is hereby amended so as to read as follows:

§ 2. The bonds and coupons issued under and by virtue of this act shall be payable at the office of the treasurer of said village; the bonds shall be of the denomination of five hundred dollars each, and payable twenty years after their dates respectively on the first day of November and shall bear interest at the rate of six per cent per annum, which interest shall be paid annually on the first day of November.

Where payable, etc.

Interest.

§ 2. This act shall take effect immediately.

CHAP. 156.

AN ACT in relation to coroners' fees and post-mortem examinations in Monroe county.

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected, at the general election held on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty, and at the general election every third year thereafter in the county of Monroe, two coroners, whose term of office shall be for three years commencing on the first day of January after such election who shall receive an annual salary of one thousand dollars each, to be paid quarterly, which shall be in full for their services, and shall be in lieu of all fees and mileage. Such salary shall not be increased during the term of office of said coroner.

Coroners, election of, etc.

Salary.

§ 2. The coroners of Monroe county, in all cases of supposed poisoning, are directed, upon the recommendation of the district attorney, to procure an order from the county judge or special county judge, directing a chemical analysis to be made, and when so made, the order be presented to a chemist, who thereby is authorized to make such chemical investigation.

Duty of, in cases of supposed poisoning.

§ 3. The board of supervisors of said county of Monroe shall, at their annual session each year, elect four physicians two to reside in the city of Rochester, and one each in the first and third assembly districts, respectively, including the fifteenth and sixteenth wards in the same manner as other county officers are elected by said board; said physicians to be of good standing and properly qualified, whose duty it shall be to attend any and all post-mortem and all other examinations held by any of said coroners whenever required by the coroner holding such examination. The physicians in the first and third assembly districts shall receive an annual salary of one hundred dollars each; those of the second assembly district an annual salary of four hundred dollars each, which amount shall be in full, and shall not be increased during the term of office of such physicians.

Physicians to attend examinations, election of, etc.

Salary.

§ 4. In case any physician elected as provided in section three of this act shall neglect or refuse to attend any post-mortem or other examination when required by the coroner holding the same, or attending,

Neglect or refusal to attend examinations, provision for.

shall refuse to make such examination, said coroner may call upon any other competent physician to perform the duties on such examination; and the said coroner shall make a return of said matter under oath to the board of supervisors at their next annual session, and thereupon the board of supervisors may audit and allow a proper and reasonable sum to said physician so called upon for his said services, and whatever sum or sums so ordered, audited and allowed shall be deducted and kept from the salary due to such elected physician.

Repeal.

§ 5. All acts heretofore passed conflicting with this act are hereby repealed so far as the same refer to or affect the said county of Monroe.

CHAP. 157.

AN ACT to authorize the trustees of the Grosvenor Library in the city of Buffalo to sell certain real estate, and to perfect the title to the same, and to amend the law respecting the maintenance of said library.

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Trustees
may sell or
exchange
certain
real estate.

SECTION 1. The trustees of the Grosvenor Library, in the city of Buffalo, are authorized and empowered to sell and convey the premises, situated on the northeast corner of Mohawk and Pearl streets in said city, known as the Mohawk street market lot, or exchange the same for other premises which they shall deem more suitable as a building site for said library.

Proceeds
of sale,
etc.

§ 2. The proceeds of any such sale, with the interest thereon, and the rents derived from any real estate owned by said library, shall be received and held by said trustees as a part of the building fund of said library, and shall not be used for any other purpose than the purchase of a lot and the erection and furnishing of a building thereon, for the accommodation of said library.

Title to
certain
real estate.

§ 3. The deed executed by the city of Buffalo to the said trustees of said Mohawk street market lot, dated July tenth, eighteen hundred and sixty-five, shall be held to convey to said trustees a title to the same in fee, without condition, restriction or reservation; and the common council of said city may execute to said trustees any further conveyance or release which said trustees shall deem necessary to vest in them an absolute title in fee to said premises.

§ 4. The third section of the act entitled "an act to amend the act entitled 'an act to amend the act entitled an act in relation to the Grosvenor Library of the city of Buffalo, passed April eleven, eighteen hundred and fifty-nine, passed April eight, eighteen hundred and sixty-one,' passed April seventeen, eighteen hundred and sixty-eight," passed March seven, eighteen hundred and seventy-one, is hereby amended so as to read as follows:

Common
council
may raise
tax in aid
of library,
etc.

§ 3. The common council may provide the said trustees with the funds for defraying the expense of the necessary fuel, lights, fixtures, furniture, librarian and assistants and incidental expenses, and for keeping the library building in repair and the said library and building insured,

and the books therein bound, repaired and catalogued, and may also take a lease of any suitable building or part thereof for the use of said library, for such term as may be deemed expedient, and pay rent therefor; and for these purposes may raise as a part of the general annual tax, a sum not exceeding four thousand dollars in any one year.

§ 5. This act shall take effect immediately.

CHAP. 158.

AN ACT to amend an act entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the power of the corporation of said village," passed April third, eighteen hundred and sixty-one.

PASSED April 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title seven of an act entitled "An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village," passed April third, eighteen hundred and sixty-one, is hereby amended by adding thereto the following section:

§ 11. The board of trustees may renew from time to time, any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant, specify the time when the same shall be returned, and direct the collection of the interest on such taxes or assessments, as the same is given to the village by this act, and the same proceedings shall be had thereon, as upon the first warrant.

Warrant for collection of taxes may be renewed, etc.

CHAP. 159.

AN ACT for the relief of Sophia Dale, widow of James Alexander Gavin, late of the city of Brooklyn, county of Kings, and state of New York.

PASSED April 20, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate and interest of the people of this state in and to the lands and premises in the city of Brooklyn, county of Kings, whereof James Alexander Gavin died seized and possessed, acquired by the escheat of the same, are hereby released unto and vested in Sophia Dale, widow of the said James Alexander Gavin, her heirs and assigns forever.

Title of the state released.

Right of
creditors
not af-
fected.

§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any creditor of the said James Alexander Gavin by mortgage, judgment or otherwise.
§ 3. This act shall take effect immediately.

CHAP. 160.

AN ACT to release the interest of the people of the state of New York in certain real estate in the town of Hempstead, in Queens county, to Richard Ingraham.

PASSED April 20, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of
the state
released.

SECTION 1. All the estate, right, title and interest of the people of the state of New York of, in and to the lands and real estate, consisting of four acres more or less, situate, lying and being in the town of Hempstead, county of Queens, and state of New York, which was conveyed to William Parker by Henry Loop and his wife by deed dated October eighteenth, eighteen hundred and fifty-three, and recorded in the office of the clerk of the county of Queens, in liber one hundred and eighty-eight of deeds, at page two hundred and ninety-four, on the eleventh day of May, eighteen hundred and sixty-one, and of which he died seized ; and of which a conveyance was afterward made by his widow, Louisa D. Parker, to Julia A. Hall, by deed dated May tenth, eighteen hundred and sixty-one, and recorded in said office in liber one hundred and eighty-eight of deeds, at page two hundred and ninety-six, on the eleventh day of May, eighteen hundred and sixty-one ; and which was granted and conveyed by said Julia A. Hall to Richard Ingraham, of said town, by deed dated July second, eighteen hundred and seventy-seven, and recorded in said clerk's office in liber five hundred and eight of deeds, at page three hundred and ninety-eight, on the fifth day of July, eighteen hundred and seventy-seven, is hereby released to and vested in said Richard Ingraham, his heirs and assigns forever.

Rights of
heirs, etc.,
not af-
fected.

§ 2. Nothing herein contained shall be construed to impair or affect the rights in said real estate of any heir, devisee or purchaser, or creditor by mortgage, judgment or otherwise.
§ 3. This act shall take effect immediately.

CHAP. 161.

AN ACT to amend an act entitled " An act to incorporate ' The Hall Association of the Order der Freiheit of the city of Buffalo ' " passed April eleventh, eighteen hundred and seventy.

PASSED April 20, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled " An act to incorporate ' The Hall Association of the Order der Freiheit of the city of

Buffalo," passed April eleventh, eighteen hundred and seventy, is hereby amended so as to read as follows :

§ 1. Charles Thorn, Martin Herbold, Sebastian Roth, Louis Knell, John Dietzer, Joseph Timmerman, William F. Beike, Mathew Keller and John Ging, and all persons who are now or hereafter may become associated with them, are hereby constituted a body corporate and politic by the name of 'The Hall Association of the Order der Freiheit of the city of Buffalo,' and by that name shall have perpetual succession and be capable of taking and holding by gift, purchase or devise, subject to all provisions of law relative to devises or bequests by last will and testament, any estate, real or personal, necessary for the purposes of said corporation, or of granting, leasing, mortgaging or otherwise disposing of any and all the real or personal property so acquired.

Corporators.

Corporate name.

May hold real and personal estate, etc.

§ 2. This act shall take effect immediately.

CHAP. 162.

AN ACT to amend chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York.

PASSED April 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of title two of chapter three hundred and twenty-five of the laws of eighteen hundred and seventy-four, being "An act to incorporate the village of Bath-on-the-Hudson, Rensselaer county, New York," is hereby amended so as to read as follows:

§ 4. The trustees shall have power to compel the owners and occupants of lands or lots in front and adjoining which a sidewalk or street is to be made or repaired, to make such improvements upon the sidewalks or streets in front of said land or lot, and shall determine and prescribe the manner of doing the same and the material to be used therein, and the quality and kinds of such material, and, in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete the said required improvements within such reasonable time as shall be required by the trustees, the said trustees may cause such improvements to be made or completed, and the expense thereof may be by them assessed, together with the expense of surveying and superintending, on such owner or owners so neglecting or refusing, and to be collected by warrant issued by the president and trustees as other taxes are directed to be collected by this act, and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be sold as hereinafter provided or the owners thereof to be sued for payment and collection of such tax, and the cost and expenses arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to collection of taxes and assessments by selling of real estate or by action at law against the person liable. The trustees shall have power to provide for keeping the sidewalks, gutters and cross-walks free from snow and ice, dirt and other obstruc-

Sidewalks and streets, repairs, etc.

In what case trustees may make.

Expense how assessed and collected.

Streets, etc., cleaning of.

tions, and to direct and compel the cleaning of streets, sidewalks, gutters and cross-walks by the persons owning, occupying or having charge of the premises fronting thereon, and, if not done within such time as the trustees may allow, to cause the same to be cleared or cleaned at the expense of the village, and to declare that such expense shall be a lien upon the premises from or in front of which such snow, ice or dirt or other obstructions were removed, and if such expense be not paid within the time limited and prescribed therefor by the said trustees, to enforce the collection thereof by selling the premises in the manner prescribed in this act for the collection of unpaid taxes, or by action against the owner, occupant or person having charge of such premises.

Expense thereof to be a lien.

How collected.

§ 2. Section eleven of title two of said act is hereby amended so as to read as follows:

President to make annual financial statement.

§ 11. The president shall and must, at the last meeting in April of each year, present and publish in the village newspaper or by hand-bills, a detailed statement of expenditures for the past year, and of the estimated ordinary expenditures of such village for the ensuing year to meet which taxes may be lawfully raised; specifying each general item of anticipated expense, which statement shall be signed by him, filed with the clerk, and recorded in a book to be kept for that purpose.

§ 3. Section two of title six of said act is hereby amended so as to read as follows:

Delivery and filing of assessment roll.

§ 2. It shall be the duty of the assessors, upon the final completion of the assessment roll, to deliver the same to the clerk of said village, and file a true copy of the same with the treasurer.

Trustees to attach warrant.

It shall be the duty of the trustees, or a majority of them, forthwith to sign and attach to such roll delivered to such clerk a warrant to the collector for said village for the collection of such tax, similar in form to the one prescribed by law for the collection of town and county taxes.

§ 4. Section six of title six of said act is hereby amended so as to read as follows:

Sale of real estate for unpaid taxes, etc.

§ 6. Whenever any tax or assessment roll shall be returned by the collector to the clerk of said village as remaining unpaid, the board of trustees shall direct the clerk of said village to advertise and sell such lot or lots against which such taxes or assessments remain unpaid for a term of time for the payment of such tax or assessment, with interest at twelve per cent per annum, giving thirty days' notice of such sale by posting six notices and publishing in the village newspaper and serving personal notice on the owner or occupant of such estate, or his agent, if a resident of the village, or by depositing the same in the post-office, directed to such owner or occupant at his place of residence or the nearest post-office thereunto, if known.

Notice of sale and service upon owners.

Sale.

Upon such sale, such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax or assessment, with interest at the rate aforesaid, and the expenses of such notice and sale. The trustees shall, thereupon, upon the payment thereof by such purchaser, deliver to him a certificate of such sale signed by the president and countersigned by the clerk with the corporate seal affixed thereto; but in case there are no other purchasers at such sale, it shall be the duty of the president of the village, or in his absence any member of the board of trustees whom the president may designate, to purchase for the village all such property as may be offered for sale at such sale, and the same shall be paid for out of

Certificate of sale.

When such property to be purchased for village, etc.

any moneys in the village treasury. The certificate therefor shall be issued to the village of Bath-on-the-Hudson, which said certificate may at any time be sold or assigned by direction of the board of trustees, the money arising therefrom to be paid to the village treasurer immediately after such sale or transfer.

The village treasurer shall, at least six and not more than eight months before the expiration of the time allowed for redemption of lands sold for taxes or assessments, prepare and publish as to such village a notice similar to that required to be prepared by the comptroller of the state of New York under the general law, specifying particularly every parcel remaining unredeemed, and the amount necessary to redeem the same, calculated to the day on which said redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser, and he shall cause such notice to be published for thirty days in the village newspaper, the expense thereof to be charged pro rata upon said several parcels, and the expense of said publication shall be audited by the board of trustees and paid out of any moneys in the village treasury. If such real estate or any portion thereof be not redeemed * herein provided, the said village treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which said conveyance shall be countersigned by the village clerk, with the corporate seal affixed thereunto. The execution of such conveyance shall be proven or acknowledged as deeds, and be recorded in like manner and with like effect as other conveyances of land. Said conveyance shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject however to the liens of any assessments for improvements made by the village of Bath-on-the-Hudson, or the town of North Greenbush in Rensselaer county, and to all claims which the people of this state may have thereon for taxes or other liens or incumbrances. When such conveyances are executed, the certificate of sale upon which said conveyances are made, shall be returned to the village treasurer, who shall file said certificates in his office as vouchers for conveyances executed and delivered. The village treasurer shall be entitled to one dollar for preparing and executing such conveyance, which conveyance shall include all the lands unredeemed, purchased at said sale by the same grantee. It shall be the duty of the board of trustees to designate and appoint annually in June, by resolution, an official village paper (provided there is a public newspaper published in the village), in which all notices required by the charter to be published shall be printed. Before such newspaper shall be designated and appointed, an opportunity shall be given to each of the publishers of the newspapers, the whole or a part of whose papers are actually printed in the village, to put in proposals for doing the said village advertising, and in all cases it shall be the duty of the board of trustees to designate and appoint as official paper the public newspaper of the village printed as above expressed whose publisher shall offer to do the work for the lowest price per folio; and the trustees may, if in their judgment the public interests demand it, require bonds for the faithful performance of the work.

§ 5. Section seven of title six of said act is hereby amended so as to read as follows:

Notice of lands unredeemed, to be published.

Expense thereof.

Conveyance, execution of, etc.

Certificate of sale to be returned.

Trustees to appoint official newspaper, etc.

* So in the original.

When purchaser may take possession.

§ 7. If the owner or occupant of such real estate or property, his heirs or assigns, shall not within two years after such sale pay or tender to the purchaser or his legal representatives, or to the treasurer of the village the amount so paid by him with interest as hereinbefore mentioned, such purchaser or his legal representative may immediately after the expiration of two years enter into the possession of such real estate, and hold and occupy and enjoy the same during the term for which it was sold, and the said treasurer's conveyance duly proved and acknowledged shall be presumptive evidence of the right of said purchaser after said two years to receive possession thereof.

§ 6. Section eight of title six is hereby amended so as to read as follows:

Entry of sale.

§ 8. It shall be the duty of the clerk in all cases of sale to make an entry of the same in the records of said board, with the description of the property sold, the length of the term or time and the name of the purchaser, and to return a copy of said sale and all moneys the proceeds of such sale except the fees of the clerk for selling (which said fees shall be and are hereby fixed at the sum of seventy-five cents for each and every lot or street number sold), to the treasurer of Bath-on-the-Hudson.

Proceeds to be paid to treasurer.

§ 7. Section five of title two of said act is hereby amended so as to read as follows:

Fire department.

§ 5. The trustees are authorized and empowered to organize a fire department to consist of one or more engine companies, one or more hose companies, one or more hook and ladder companies, one or more protective companies, to appoint a sufficient number of suitable persons as members, not exceeding sixty to each engine company, and not exceeding forty to each hose, hook and ladder and protective company, with the consent of the persons appointed. The officers of the fire department shall consist of a chief engineer and two assistants, who shall be elected annually on the second Thursday of January by the members of the fire department; a foreman and two assistants for each company shall be chosen by the members thereof. All officers mentioned in this section shall be elected in a manner to be directed by the trustees, and subject to their approval and ratification. The present officers of the fire department shall retain and fill the respective positions which they now hold, until the election on the second Thursday of January, one thousand eight hundred and seventy-nine, as provided for in this act.

Officers.

Present officers.

Repeal.

§ 8. All acts or parts of acts (ordinances, by-laws or resolutions of the board of trustees) inconsistent herewith, are hereby repealed.

§ 9. This act shall take effect immediately.

CHAP. 163.

AN ACT to authorize corporations formed for manufacturing, mining, mechanical or chemical purposes to mortgage their property and franchises.

PASSED April 20, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Mortgage on property and franchises.

SECTION 1. Any company formed under the act entitled "An act to authorize the formation of corporations for manufacturing, mining,

mechanical or chemical purposes," passed February seventeen, eighteen hundred and forty-eight, or of the acts amending or extending said act, may secure the payment of any debt heretofore contracted, or which may be contracted by it, in the business for which it was incorporated, by mortgaging all or any part of the goods and chattels of such corporation, and also the franchises, privileges, rights and liberties thereof, provided that the written assent of a majority of the stockholders, owing at least two-thirds of the capital stock of such corporation, shall first be filed in the office of the clerk of the county where the corporation has its principal place of business, and also in the office of the clerk of the county where such goods and chattels are situated.

§ 2. This act shall take effect immediately.

CHAP. 164.

AN ACT to confirm and protect the incorporation of the village of Hermon.

PASSED April 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The proceedings of the supervisor and town clerk of the town of Hermon, and of the electors of that part of said town embraced in the limits hereinafter specified, and the vote of such electors on the sixteenth day of October, eighteen hundred and seventy-seven, for the incorporation of the village of Hermon, are hereby confirmed, and said village is hereby declared to be duly incorporated under the provisions of and with all the powers conferred upon villages by chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, and the acts amendatory thereof. And the territorial limits of such village are as follows: Commencing at a point in the road leading from Hermon village to Marshville, twenty links from the southwest corner of Orland Babbitt's two acre lot on a course of south, seventy-four degrees west; thence in the same course eight chains to an angle; thence north seventeen degrees east, seven and thirty-seven one-hundredths chains to the east side of an elm tree; thence forty degrees west seventeen and sixty one-hundredths chains to a stake; thence north ninety-two degrees, west seventeen and fifty one-hundredths chains to the Hatch road; thence north seventy-one degrees west, four and fifty-four one hundredths chains to a stake forty-two links north of a birch tree; thence north forty-one and one-half degrees west, three and seventy-five one-hundredths chains to a hemlock post; thence north seventy-one degrees west, five and fourteen one-hundredths chains to the Howland corners; thence north twenty-four degrees east, nineteen and ninety-two one-hundredths chains to a stake; thence north sixty-six degrees east, twenty-six and thirty-four one-hundredths chains to the centre of the road; thence north sixty-six degrees east, one and eighty-six one-hundredths chains to the centre of the creek; thence up the bank as it winds and turns to the north side of an elm tree, standing near the southwest corner of the McCollum bridge; thence north fifty-five degrees east, three and sixteen one-hundredths chains to an angle in the road; thence north sixty-five degrees east, twenty-five chains to a stake in McColl-

Proceed-
ings for
incorpora-
tion con-
firmed.

Terri-
torial lim-
its of
village.

lum's line ; thence south fifteen degrees east, four and fifty-four one-hundredths chains to a stake in the ditch ; thence south fifteen degrees east, twenty chains to the centre of the road by W. Matteson's ; thence south four and one-half degrees east, seventeen and twenty-eight one-hundredths chains to a stake between Gibbons and Alexander ; thence south forty and one-half degrees west, twenty and ten one-hundredths chains to a willow tree ; thence south forty and one-half degrees west, two and eighty one-hundredths chains to a stake in Orland Babbitt's lot ; thence south seventy-two degrees west, seven and fifty-two one-hundredths chains to the place of beginning.

Election
of officers,
confirmed.

§ 2. The election of the officers of such village, held on the seventeenth day of November, eighteen hundred and seventy-seven, is also hereby confirmed.

Proviso.

§ 3. Nothing in this act contained shall in any way affect the rights of any party or corporation to any suit or legal proceeding commenced prior to the passage hereof.

§ 4. This act shall take effect immediately.

CHAP. 165.

AN ACT to extend the time for the collection of taxes in the county of Richmond.

PASSED April 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Time for
collection
of taxes
extended.

SECTION 1. The time for the collection of taxes now levied and uncollected in the county of Richmond is hereby extended to the first day of June next, provided that the collectors for said county shall pay over the money already collected by them and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrant shall continue in full force and effect until said first day of June. But nothing herein authorized shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller as now provided by law.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 166.

AN ACT to repeal section eight hundred and thirty of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-six, entitled " An act relating to courts, officers of justice and civil proceedings."

PASSED April 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Repeal.

SECTION 1. Section eight hundred and thirty of chapter four hundred and forty-eight of the laws of eighteen hundred and seventy-

six, entitled "An act relating to courts, officers of justice and civil proceedings," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 167.

AN ACT to authorize and direct the comptroller to receive, admit and credit to the county treasurer of the county of Richmond arrears of taxes upon lands of non-residents, in said county, for the years eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five and eighteen hundred and seventy-six.

PASSED April 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller is hereby authorized and directed to receive, admit and credit to the treasurer of the county of Richmond, all unpaid taxes and arrears of taxes returned by the collectors of the towns hereinafter named to the treasurer of said county for the years eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five and eighteen hundred and seventy-six, upon the lands of non-residents in the towns of Castleton, Middletown, Northfield, Westfield and Southfield in said county, and which shall be transmitted to said comptroller on or before the fifteenth day of June next, by said county treasurer certified by him, except such taxes as shall be found to be erroneous and such as shall be found charged on lands erroneously or imperfectly described, and the said taxes shall be charged upon said non-resident lands and shall be enforced and collected in the like manner and with the like effect as if they had been levied, returned and transmitted to said comptroller for the year eighteen hundred and seventy-seven.

Comptrol-
ler to
credit
county
treasurer
with cer-
tain ar-
rears of
taxes, etc.

§ 2. This act shall take effect immediately.

CHAP. 168.

AN ACT to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh."

PASSED April 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION. 1. Section one of title two of of chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh," as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows :

City
officers.

§ 1. The officers of said city shall consist of one mayor, one collector, one treasurer, one recorder, five water commissioners, two justices of the peace, and two constables, all of whom shall be elected by the city at large; a board of assessors to be composed of one assessor to be elected in each ward, two aldermen and one supervisor to be elected in each ward; such inspectors of election as required by the laws of this state, to be elected in each ward; one corporation counsel, one engineer, and surveyor; one superintendent of streets, one city clerk, one sealer of weights and measures, one superintendent of water works, one health officer, four persons to compose a board of health, one marshal and police constables, and such other officers as are hereafter authorized, who shall be appointed as hereinafter provided, except that special police constables may be appointed by the mayor as hereinafter also provided. Also one chief engineer and three assistant engineers of the fire department, and four fire wardens who shall be elected as hereinafter provided.

§ 2. Section eighteen of title two of said act as amended May fourteenth, eighteen hundred and seventy-five, is hereby further amended so as to read as follows:

Officers to
be ap-
pointed by
mayor and
common
council.

§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election provided in this act, or at some subsequent meeting, and as soon after such election as may be, the common council shall appoint a city clerk, and the mayor, with consent and approval of the common council, shall appoint one superintendent of streets, one corporation counsel, one city engineer and surveyor, one health officer, four persons to compose the board of health, and one sealer of weights and measures, who shall respectively hold their offices one year, in the manner provided in this act. The mayor, with the consent and approval of the common council, shall have the power to appoint at any time he may consider the same necessary for the public interests, deputy superintendents of streets, not exceeding three in number, who shall hold their offices at the pleasure of the said mayor and common council; and the said common council shall prescribe the powers and duties of all the officers mentioned in this section, and regulate their salaries or compensation except where the same may be fixed by this act. The officers to be annually appointed as aforesaid shall continue in office until their successors have been appointed and duly qualified.

Powers,
duties and
compensa-
tion.

§ 3. Subdivision one, section nine, title three of said act is hereby amended so as to read as follows:

To pre-
serve
peace,
good or-
der, etc.

1. To prevent the sale of intoxicating liquors, goods or merchandise or the performance of work or labor for hire on Sundays; to prevent vice and immorality; to prevent and quell riots and disorderly assemblages, and preserve peace and good order.

§ 4. Subdivision nineteen, section nine, title three of said act is hereby amended so as to read as follows:

To license
auction-
eers, car-
men,
drivers,
etc.

19. To license and regulate auctioneers, carriers, teamsters, carmen, porters, cabmen, the drivers of hackney coaches, stages or omnibuses, for the transportation of passengers, hawkers, peddlers and sweeps within the city, and to prohibit unlicensed persons from acting in either of such capacities; to fix their rates of compensation, and to require them to have license, and to fix amounts to be paid therefor.

§ 5. Subdivision twenty-six of section nine, title three of said act as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

26. To cause buildings and other incumbrances encroaching upon the streets, avenues or wharves to be removed, to prevent the erection or construction of any steps, platform, bay window, cellar door, area, descent into a cellar or basement, sign or any post or erection, or any projection from any building or otherwise, in, over or upon any street, avenue or wharf, in said city, and to cause the same to be removed at the expense of the owner or occupant of the premises; to make such expense or removal, a lien on the lot on which such building or structures may be situated, and to issue warrant against any such owner or occupant, to collect the necessary expenses of such removal, as assessments and taxes are collected.

Removal
of en-
croach-
ments on
streets,
etc.

§ 6. Section nine of title three of said act, as amended May sixth, eighteen hundred and seventy-two, is further amended by inserting as subdivision thirty-two, as follows:

32. To regulate the construction of chimneys and to compel the sweeping thereof; to prevent the setting up or constructing of stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize the fire wardens, any city officer or person or persons, whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to require all such further and other acts to be done, and to regulate or prohibit the doing of all such further or other acts, as they may deem proper to prevent the occurrence and to provide for the extinguishing of fires in said city.

Precau-
tionary
measures
to prevent
fires.

§ 7. Subdivision thirty-two of title three of said act, as amended May sixth, eighteen hundred and seventy-two, is hereby changed to subdivision thirty-five, and is hereby further amended so as to read as follows:

35. The common council shall also have power to do all such acts and make such ordinances, rules, police regulations and by-laws, not inconsistent with the laws of the United States, as they may deem necessary to carry into effect any general power, the powers conferred upon it by this act, or by any other laws of this state, and such also as they may deem necessary for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city and its inhabitants.

General
powers.

§ 8. Section nine of title three of said act, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended by adding the following subdivision:

36. Whenever, in the opinion of the common council, any building, fence or other erection of any kind or any part thereof, is liable to fall down and endanger persons and property, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within such time as they may direct; in case the same is unoccupied, and the owner cannot be ascertained, they may direct a notice to be published in the official papers of said city for such time as they may direct, requiring its removal, and in case the order be not complied with, they may cause the same to be taken down at the expense of the owner or owners of the premises; and such expense shall be a lien upon the land on which such dangerous structure was located, in preference to all liens and incumbrances whatever, and may be collected,

Removal
of danger-
ous build-
ing, etc.

by action against the owner or owners, or by a sale of such land in the manner herein provided for the collection of taxes and assessments for city purposes.

§ 9. Section eleven title three of said act, as amended May six, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

Penalties,
common
council
may or-
dain.

§ 11. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. But nothing herein contained shall be deemed to prohibit or forbid the sale without suit, of animals distrained or impounded, according to the provisions of this act, for the penalties incurred or the costs of keeping and proceedings, nor the forfeiture or destruction of property determined or adjudged to be a nuisance nor the sale of property for assessments or other purposes, as provided in this act. Every ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, take effect at such times as the common council shall direct, and shall be published once a week for two weeks successively in two of the public newspapers printed and published in said city.

Ordinan-
ces when
to take
effect.

§ 10. Section twelve of title three of said act, as amended May six, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

Actions to
recover
penalties,
how
brought.

§ 12. All actions brought to recover any penalty or forfeiture incurred by this act, or the ordinances, by-laws or police regulations made in pursuance of it, except actions by the board of health for violations of their rules and regulations, shall be brought in the name of the city; but no such action shall be commenced before a justice of the peace, or the recorder by the city, except by the order, direction or request of the mayor or an alderman, nor by the board of health, without the written order or request of the president thereof. Such actions shall be commenced in the same manner as other actions are commenced before justices of the peace in towns, except that whenever it shall be made to appear to the justice or recorder, to whom application is made for process, by the oath or affidavit of any person, that any ordinance has been violated by the person against whom process is applied for, the said justice or recorder may issue a warrant at the commencement of such action, directed to any constable or police constable of said city, commanding him to apprehend such person and bring him before such justice or recorder to answer the complaint of said city in a civil action for the violation of such ordinances. No affidavit or bond shall be required to authorize the issuing of any short summons or civil warrant in behalf of said city, except that in actions for violations of ordinances, the affidavit or oath above provided for shall be required before issuing a warrant. Any person may be summoned to appear forthwith, or at a specified time, before such justice or recorder to make an affidavit or be sworn or examined, as he may elect, on such application for a warrant, in relation to his knowledge of the violation of such ordinance. Such examinations shall be reduced to writing by the justice or recorder, and filed or kept with the process and proceedings in the case, and all affidavits made in such case shall be so filed or kept by the justice or recorder, with the process, pleadings and proceedings in the case. No witness so summoned to appear

Proceed-
ings before
justice
or
recorder.

Attend-
ance of
witnesses.

and make affidavit or be examined on application for such process shall be entitled to any fee or compensation for such attendance or examination; and for a failure so to attend, or be so sworn and examined, such witness shall be liable to the same penalty and may be punished in the same manner as witnesses who refuse to appear when duly subpoenaed, or to be sworn or testify on trials in other actions before justices of the peace. On the return of such warrant the justice or recorder shall proceed in the same manner, and the same proceedings shall be had, and adjournments shall be granted in the same manner, for the same time, and on the same terms, as provided by statute, on the return of a civil warrant in other actions before justices of the peace; and the third, fourth, fifth, sixth, seventh and eighth articles of title fourth, chapter two, part third of the revised statutes, in regard to the appearance, joining of issue, adjournment, and compelling the attendance of witnesses, trials, and the entry and docketing of judgments, so far as the same are applicable, shall apply to and govern the proceedings in such actions so commenced by warrants as aforesaid. In case of the recovery of judgment against any defendant in any action for the recovery of a penalty or forfeiture, as provided in this section, execution may be issued thereon immediately; which execution shall be directed to any constable of said city, and shall otherwise be in the same form and issue in the same manner as other executions are required by statute to be issued by justices of the peace on judgments in other actions for torts or wrongs. In case a defendant shall be arrested and taken or committed to jail on such execution, he shall not be entitled to the jail limits; but he shall not be imprisoned on such execution for more than thirty days. If, however, he shall be discharged from imprisonment without paying the judgment, the said judgment, or so much thereof as shall remain unpaid, may thereafter be collected of any property the defendant may have, the same as if the defendant had not been imprisoned. All expenses incurred in prosecutions for the recovery of penalties or forfeitures shall be defrayed by the corporation, and all penalties and forfeitures, when collected, shall be paid to the treasurer for the use of said city.

Provisions of Revised Statutes applicable to actions, etc.

Issue of execution on recovery of judgment.

Term of imprisonment limited.

Expenses, how defrayed, etc.

§ 11. Section thirteen of title three, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 13. Any judgment rendered in any such action may be removed by appeal by either party to the county court of the county of Orange, in the same manner and upon the same terms that appeals are taken to county courts from judgments rendered by justices of the peace in towns, except that when such appeal is brought by the city, or board of health, no bond shall be required to be executed by or on behalf of the city or said board of health to stay execution, but on perfecting the appeal proceedings shall be stayed. Every such appeal in behalf of the city shall be sued out and prosecuted under the direction of the common council, and, on the part of the board of health by said board.

Appeal from judgments, to county court.

§ 12. Section fourteen of title three, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 14. The entries in the books of by-laws, journals and minutes of the common council, water commissioners and the board of health, or certified or sworn copies thereof shall be presumptive evidence in all

Entries in books of by-laws, etc., and

verified
copies,
evidence.

courts and places of the matters of fact therein stated, and the certificate of the clerk shall be sufficient evidence of the authenticity of such journals and minutes and book of by-laws and copies. Such certificates of the clerk to a copy shall show that he has compared such copy with the original on file or on record in his office, and that the same is a correct copy or transcript thereof or therefrom, and of the whole of such original; and every ordinance, resolution or by-law of the common council, board of health and water commissioners may be read in evidence in all courts and legal proceedings, from the volume of laws and ordinances published, or to be published, by order of the common council, without any other proof of the passage or publication thereof; but such publication shall be only presumptive evidence that the same has been duly published in the corporation newspapers as required by this act.

§ 13. Section one of title four of said act, as amended May fourteenth, eighteen hundred and seventy-five, is hereby further amended so as to read as follows:

Mayor, his
powers
and
duties

Salary.

When
president
of board
of alder-
men to act
as mayor,
etc.

Power of
appoint-
ment,
removal,
etc.

Tempo-
rary chair-
man, elec-
tion of,
etc.
Alderman
from ward
of presi-
dent, ap-
point-
ment of.

Vacancy
in office of
mayor.

§ 1. The mayor shall be the chief executive officer of the corporation. He shall have his office open daily for the transaction of business. He shall sign all deeds and contracts made and entered into by the city, and shall affix thereto the city seal, which shall be in his custody. He shall receive a salary of eight hundred dollars per year, payable quarterly, and all salaries heretofore received by the mayors of said city at said rate are hereby confirmed. Whenever there shall be a vacancy in the office of mayor, or whenever, by sickness, absence from the city or other cause, the mayor shall be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor, during such disability, or, in case of a vacancy, then until the next charter election, and until the mayor then elected shall have duly qualified; and in case of the death, resignation or removal from office or from the city of the mayor, the said president of the board of aldermen thus acting in the capacity of mayor, shall be entitled to receive for services thus performed as mayor a salary at the rate of eight hundred dollars per annum. It shall not be lawful for the president of the board of aldermen, when acting as mayor, in consequence of the mayor's sickness or absence from the city, or other temporary disability, to exercise any power of appointment or removal from office, nor to sign, approve or disapprove any resolution or ordinance, unless such sickness, absence or other disability of the mayor shall have continued for the space of fifteen days. In case of a vacancy in the office of mayor, the aldermen shall elect a temporary chairman to preside over their meetings, and who shall possess, during such vacancy, the powers and perform the duties of the president of the board. Said board of aldermen shall also have power to appoint an alderman from the ward from which the president was elected, to discharge the duties of an alderman of said ward so long as said vacancy in the office of mayor shall continue, and the president of the board shall be acting as mayor by reason thereof. Whenever there is a vacancy in the office of mayor, there shall be an election for mayor at the next charter election, and the person thus elected shall hold for the remainder of the term of the person in whose place he was elected.

§ 14. Section four of title five of said act, as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 4. The mayor, by the direction of the common council, may extend or renew from time to time any warrant which may have been issued for the collection of any tax or assessment, or may issue a new warrant for the collection thereof, and in such extension, renewal or new warrant shall specify the time when the same shall be returned, and the amount of fees to be collected, and in case of the issue of a new warrant, after any tax or assessment has been returned uncollected, such new warrant shall also direct the collection of interest on such taxes or assessments as the same is given to the city by this act; and the same proceedings shall be had upon such extension, renewal or new warrant as upon the former warrant. All the provisions of this act shall apply to the said taxes or assessments and the collection thereof, and to the powers and duties of the collector in relation to the same, after such renewal, extension or new warrant, in like manner as herein provided upon the warrant as originally issued. But the collector shall not be required, in cases of the renewal, extension or new warrant, to post or publish any notices.

Renewal
of tax
warrants.

Proceed-
ings there-
on.

§ 15. Section eleven of title four of said act, as amended June ninth, eighteen hundred and seventy-four, is hereby further amended so as to read as follows :

§ 11. The collector of taxes and assessments in this city shall perform the duties and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and he shall keep his books in such manner as the common council may prescribe; and all taxes and assessments to be collected within the limits of the city shall be collected by him. The collector elected in March, eighteen hundred and seventy-eight, and each collector hereafter elected shall hold his office three years. Immediately upon the expiration of the time limited in any warrant issued to him for the collection of any tax or assessment, said collector shall report and make return to the common council under oath, stating the amount by him collected, and that he has entered upon the assessment or tax roll the several payments made to him, opposite the name of each person, company or corporation so paying, his payments of the moneys so collected, to what officer, with his vouchers therefor; and the several amounts of taxes or assessments which have not been collected by him and remaining unpaid, with the names of those who have not paid opposite such amounts; and on such report being received and accepted by the common council, the several items of unpaid taxes or assessments contained therein shall be entered by said collector in a book provided by said common council, and to be kept by him in his office, upon the first column of which shall be docketed and entered, alphabetically, the names of the persons against whom the unpaid taxes or assessments are levied or assessed; upon the second column the date of the warrant; upon the third column the date of the return day of the warrant; upon the fourth column a brief description of the property in respect to which the tax or assessment was made; upon the fifth column the object and nature of the tax or assessment, and upon the sixth column the amount of the taxes or assessments, with the fees specified in said warrant added thereto, which book shall also contain a seventh column, upon which said collector shall enter the date when such amount shall be paid to him; and said common council shall also cause to be docketed and entered in such book, in the manner above provided, all taxes and assessments so remaining unpaid at the time of the passage of this act. All taxes and assessments so entered

Collector
of taxes
and as-
sessments.

To make
report to
common
council.

Unpaid
taxes, en-
tries to be
made in
book.

Interest
thereon.

upon such book, remaining unpaid for six months after the date of the original warrant, shall bear twelve per cent. interest from the date of the original warrant authorizing the collection of the same; and such tax or assessment, and the interest thereon at the rate aforesaid, together with the highest rate of fees for collecting the sum specified in such warrant, may be sued for and recovered by the city against any person liable therefor except as otherwise provided in this act; and the said collector shall report to said common council, at each monthly meeting thereof, all moneys collected by him on each docket, and shall pay over the moneys so collected to the city treasurer. The common council shall provide a suitable room for the collector's office, and all necessary books, blanks and stationery for his use, and the collector shall attend at such room in the discharge of his duties at such times as the said common council may prescribe. The collector elected at the annual charter election in March, eighteen hundred and seventy-eight, and all collectors who may hereafter be elected or appointed, shall be entitled to retain for his services two-thirds of all fees which he shall receive as such collector, and shall pay to the city treasurer, the remaining one-third of such fees, for the use of said city. He shall file with the city clerk on the first of each month, previous to the regular monthly meeting of the common council, a statement, under oath, showing the total amount of fees received by him the preceding month, and a receipt from the city treasurer showing that the portion to which the said city is entitled under this section, has been paid to such treasurer. The collector shall not be entitled to any fees for collections which shall be made by the corporation counsel, or other attorney for said city for any tax or assessment which shall be placed in the hands of such counsel or attorney for collection; and such counsel or attorney shall pay all taxes or assessments, including interest and fees named in the warrant, which he shall collect, to the city treasurer, and shall take duplicate receipts therefor, showing the several amounts collected, the tax or assessment, for which received, and from whom, one of which duplicates he shall deliver to the collector, and such collector shall then make the necessary entries upon his books, showing such payments, so as to discharge the same thereon. In case the collector shall not use due diligence in the collection of taxes or assessments, or comply with the requirements of this section, it shall be sufficient cause, and he may be suspended by the mayor, and removed by the common council, pursuant to title four, section one, of the acts hereby amended.

§ 16. Section one of title seven of said acts as amended May sixth, eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 1. The recorder of said city shall, except in cases of his absence from the city, or inability from sickness, or other causes to act, have jurisdiction exclusive of any justice of the peace or other officer of said city, except the mayor and judges of courts of record, to issue all criminal process, and all process other than in civil actions, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the power and jurisdiction of such courts, as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are triable by courts of special sessions, and to commit for trial all persons who shall be guilty of felonies not triable in such

Suit may
be brought
for.

Room,
etc., to be
provided
for.

Fees.

Monthly
statement.

Collec-
tions
made by
corpora-
tion coun-
sel, etc.

Suspen-
sion and
removal.

Jurisdic-
tion of re-
corder.

courts. Said recorder shall have power to let to bail persons charged with crime or examined on any criminal offense before him in all cases of misdemeanor and in all cases of felony, where the imprisonment in the state prison, on conviction, cannot exceed five years. The recorder shall also have the same right, power and authority, within said city, to administer oaths and take affidavits and acknowledgments that justices of the peace now have, and shall be entitled to charge and receive therefor the same fees from any and all persons, except the attorney or person or persons, or officers acting for, or in the business of the city. In such cases no fee or reward shall be taken. The said recorder shall have the same jurisdiction, powers and authority as justices of the peace in civil actions, brought by the city of Newburgh, for the recovery of fines and penalties for violation of city ordinances, and civil actions brought by the board of health for violations of their rules and regulations, and shall be entitled to demand and receive for his own use, in such civil action, the same fees as justices of the peace are or may be entitled to by law. And said recorder shall have the same jurisdiction and authority as a justice of the peace in bastardy proceedings under the laws of this state, and shall be entitled to demand and receive for his own use, in such proceeding, the same fees as a justice of the peace is or may be entitled to by law. And said recorder and one justice of the peace, together acting in such bastardy proceedings, shall have the same powers as two justices of peace would have therein.

Power to let to bail.

May administer oaths, etc.

Civil actions.

Bastardy.

§ 17. Section six of title seven of said act, as amended May fourth, eighteen hundred and seventy-five, is hereby further amended so as to read as follows:

§ 6. The mayor, with the consent of the common council of said city, shall appoint a marshal and not more than twenty proper persons to be police constables for said city, who shall hold their office until their removal by the mayor for incapacity or misbehavior, or neglect of duty or arrive at the age of sixty years. Before making such removal, the mayor shall give such officer notice of any charges made and the grounds of such proposed removal, and such officer shall be heard after such notice before the mayor or in his own behalf, and witnesses may be compelled to attend on such hearing at the request of either party. If, after such hearing, the mayor shall determine on such removal, he shall make an order for the removal of such officer, which shall be filed in the city clerk's office, and notice thereof given to the common council, and his action thereon shall be final, and not subject to review by the common council, and the office of police constable of the town of Newburgh, as created by the laws of eighteen hundred and fifty-three is abolished. But if, after such hearing, the mayor shall be of the opinion that such officer should not be removed but should be punished, he may suspend him for a period of not more than one month without pay or may fine him not to exceed fifty dollars, and deduct such fine from the salary of such officer thereafter to become payable. But no person shall ever be appointed to membership in the police force in the city of Newburgh, or shall continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot understandingly read and write in the English language, or who shall not have resided in the state during one year next preceding his appointment. The said police constables shall possess the exclusive power of serving all criminal and

Marshal and police constables, appointment and removal of.

Suspension.

Qualifications of members of police force.

Police constables, service of process by.

Power to
make
arrests.

Duties of.

In case of
inability
to act,
etc., pro-
vision for.

other process issued by the recorder or acting recorder or mayor, except in such civil actions or proceedings as may be commenced before the recorder, pursuant to this act, in which they shall have concurrent power with the civil constables of said city; and they shall perform all acts in relation to criminal offenses, which police officers or constables are authorized to perform, except that every police constable of said city shall have power to arrest and take before a proper officer for examination, any person who may in the view or presence of such officer be guilty of any offense against any of the laws or statutes of the state. It shall be the duty of said police constables to attend at the recorder's office at all reasonable hours of the day; to obey at all times all process or directions of the mayor or recorder, duly issued or given for the preservation of the public peace and order, and to make arrests whenever they shall be called upon or sent by the mayor, recorder or common council, to keep the public peace, or arrest any person charged with any offense. In any case of the continued absence, detention or inability to act of all of said constables, the mayor, recorder or acting recorder, may designate any person by appointment in writing, or by directing the process to be served by such person, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act, in relation to the particular process or service for which he is appointed, or which he is directed to serve, if designated by a separate appointment.

§ 18. The second section of title ten of said act is hereby amended so as to read up to subdivision one as follows:

Annual
meeting.

Election
of presi-
dent, etc.

Other
meetings.

Vacancies,
how filled.

The annual meeting of the board of water commissioners shall be held on the first Monday succeeding the charter election. A majority of the commissioners shall form a quorum for the transaction of business. At such annual meeting the board shall elect a president from their own number, and whenever he shall be absent, they may elect a president pro tem. The said board of water commissioners shall hold stated monthly meetings; and shall also meet as much oftener as their duties shall require. In case of any vacancy in the board, by death, resignation or otherwise, the board may appoint some person to fill such vacancy until the next annual election for city officers. It shall be the duty of said board, and they shall have the power.

§ 19. The third section of title ten of said act is hereby amended so as to read as follows:

Superin-
tendent of
water
works.

§ 3. The said commissioners shall appoint an officer, who shall be known as the superintendent of the water works, who shall be paid a salary, to be fixed by said commissioners, not exceeding one thousand dollars per annum, payable monthly out of the city treasury, upon the draft of the water commissioners; he shall devote his whole time and attention, under the general advice and direction of the commissioners, to the care and management of the water works, and perform such other duties connected with the water works as the commissioners shall direct.

§ 20. Section five of title ten of said act is hereby amended so as to read as follows:

Rules to be
printed on
bills, effect
of.

§ 5. The rules and regulations for the use of the water shall be printed on each bill for water rent, and shall be notice to the owners and occupants, and shall authorize the recovery by process of law, in the name of the mayor or superintendent of streets, of any penalty established by said commissioners for any violation of said rules; and the observ-

ance of said rules may also be enforced by cutting off the use and supply of water.

§ 21. Section six of title ten of said act, as amended April twelfth, eighteen hundred and sixty-six, is hereby further amended so as to read as follows :

§ 6. The water commissioners of the city of Newburgh shall on or before the first day of July, in each year, make out an assessment roll for said city, in which they shall set down, in three separate columns according to the best information in their power :

Assessment roll of commissioners ; its contents.

1. In the first column, the name of the owner or occupant of each and every building or vacant lot chargeable with water rent under the provisions of this act.

2. In the second column, the number of the building or lot, if it have any, or its location.

3. In the third column, the amount of the water rent assessed upon such building or lot. After completing such assessment roll, the said water commissioners shall file the same in the office of the city clerk, and shall cause a notice to be published in one or more of the newspapers printed in said city, that said assessment has been made out and filed as aforesaid, and that said commissioners will meet at a time and place to be named in said notice, which time shall not be less than two weeks after the first publication of said notice, to hear objections to said assessment, and in the meantime all persons interested shall be at liberty to inspect said assessment roll without expense. At the time and place named in said notice, the said water commissioners shall meet and hear any objections which may be made to said assessment, and may adjourn from time to time. The said commissioners, after hearing and considering such objections, may correct said assessment as they may deem proper, and shall then confirm the same, and shall then deliver the same to the collector of taxes of the said city with their warrant, under the hands and seals of a majority of them annexed thereto, commanding him to collect from the several persons named in the said assessment roll, the several sums mentioned in the last column of such roll, opposite their respective names, together with the fees for collecting, to be fixed by said water commissioners, and pay over the same to the treasurer of said city. The said water rents so charged, shall be collected in the same manner as is or may be prescribed by law for the collection of taxes for the city purposes of the city of Newburgh; the like notices shall be given by the collector of taxes of said city, and in all respects the like proceeding shall be had by the said collector, as is or may be provided by law for the collection of taxes for city purposes. If the said collector shall be unable to collect any of such water rents, he shall make return thereof, under oath, to the said water commissioners ; and thereupon and thereafter said commissioners shall have power to sue for and collect such rents, together with ten per cent thereon in addition thereto, from the persons against whom the same shall be charged in said assessment roll as aforesaid. And the said water rents shall be liens upon the property in respect to which they are assessed and may be collected by a sale of such property in the manner hereinbefore provided for the collection of taxes and assessments for city purposes.

Where filed.

Notice of meeting to hear objections, etc.

Correction of assessments and delivery to collector.

Collection of rents.

When actions to be brought for rents.

Water rents, liens.

§ 22. Section seven of title ten of said act is hereby stricken out and repealed, and in the place thereof is inserted the following section :

Repeal.

§ 7. In case the collector shall return any water rents uncollected, the commissioners may also cut off the supply of water leading to the

Supply of water, when may be cut off.

premises, upon which such water rents are assessed, and prevent the further use of water from the water works of said city, until said rents, with interest and fees, be fully paid, provided ten days notice in writing of their intention so to do shall have previously been given to the occupant or occupants of said premises.

§ 23. Section ten of title ten of said act is hereby amended so as to read as follows:

Proceeds
of water
rents.

§ 10. It shall be the duty of the treasurer of the city of Newburgh to keep all moneys received for water rents separate from other city funds, to the credit of the water department created by this title. All moneys of the water department shall be subject to the drafts of the water commissioners; such drafts shall be authorized by a resolution of the board, and they shall be signed by the president and countersigned by the superintendent.

Drafts
of water
commis-
sioners.

§ 24. Title ten of said act is hereby further amended by adding after section ten as follows:

May enter
upon
lands to
make sur-
veys.

§ 11. The common council of the city of Newburgh are hereby authorized by themselves, or the water commissioners of said city, or their authorized agents or employes, to enter on any land or water for the purpose of making surveys of such property as they deem necessary, for the enlargement, alteration or improvement of the water works.

Authority
to acquire
property,
for im-
prove-
ments,
etc.

§ 12. The said common council are hereby authorized by themselves, or the water commissioners, to make agreement with any owner or owners of lands, lakes, ponds, springs or streams of water or other property which may be required for the enlargement, alteration or improvement of the water works of said city, or which may be injuriously affected thereby, as to the price to be paid to such owner or owners, and may buy, in the name of the city of Newburgh, any such lands, lakes, ponds, springs or streams of water, or other property which may be so required, or any easement in any lands, for the purposes aforesaid; and any such acquisition shall be held by the city of Newburgh for the purposes of the water works. Neither the common council nor the water commissioners shall make a lease of any property for said purpose, or for aqueducts or reservoirs, or provide for the payment of any property or rights therein for said purposes, by installments; and this section is subject to the restrictions contained in section sixteen of this title. But this section shall not prevent the issue of bonds, pursuant to the provisions of this title, in the manner hereinafter mentioned.

Lease of
property
and pay-
ment by
install-
ments not
au-
thorized.

When
supreme
court shall
appoint
commis-
sioners to
examine
property.

§ 13. In case of disagreement between said water commissioners and the owner or owners of any lands, lakes, ponds, springs or streams of water or other property which may now or hereafter be required for the enlargement, alteration or improvement of said water works, as to the amount of compensation to be paid to such owner or owners, or in case any such owner shall be an infant, or married woman, or insane, or absent from the state, or the owner of an uncertain or contingent interest, the supreme court, at any general or special term thereof in the second judicial district or department, shall, on the application of either party, after ten days' personal notice in writing, or, when such notice cannot be served within this state, after three weeks' notice of such application, published in two of the newspapers published in the city of Newburgh, nominate and appoint three disinterested persons, commissioners to examine such property, who, upon being duly sworn faithfully and impartially to perform their duties, shall estimate and report

to the said court the several sums which shall be a just compensation to such owners for the appropriation to the purposes of this act, for the water works aforesaid, of any lands or property or easements therein, or of any lakes, ponds, springs or streams of water, or interest or estate therein, which may be required for the enlargement, alteration, improvement or better management of said water works, or which may be injuriously affected by any operation connected therewith ; and the said commissioners, before proceeding to make such estimate, shall publish a notice, once in each week, for two weeks successively, in a newspaper published in the city of Newburgh, stating a time when, and a place where, they will meet to perform their said duties ; at such time and place, they are authorized and required to take and hear such proofs and allegations as may be offered by any of the said owners, showing in what manner, and to what extent, they will sustain injury by reason of such appropriation ; and the said commissioners may adjourn from time to time, as may be necessary to enable them to take such proofs.

To estimate and report.

Notice of meeting.

Hearing.

§ 14. Whenever such report shall have been confirmed by the supreme court, either at general or special term, in the second judicial district or department, upon a notice of eight days in writing of the motion to confirm the same, served upon the attorney or attorneys of the several parties who shall have appeared by attorney upon the hearing before said commissioners, the said common council may deposit as the said court may direct, or pay to the said owner or owners, or to such person or persons as the said court may direct, the sum mentioned in said report, in full satisfaction for all damages sustained by such owner or owners, or such person or persons, and in full compensation for the property required for the purposes of this act, and of chapter one hundred and nineteen of the laws of eighteen hundred and fifty-two, and of chapter twelve of the laws of eighteen hundred and fifty-three, relating to a supply of water in the village of Newburgh.

When common council to deposit or pay.

§ 15. The authority of this act, conferred upon the common council of the city of Newburgh, and on the water commissioners of said city, to enlarge, alter and improve the water works of said city, is hereby declared to include the authority to construct such additional aqueducts and reservoirs, and to lay such additional mains and other distributing pipes, in connection with said water works, and to acquire the title to such lands, water and other property necessary thereto, as the board of water commissioners of said city shall, from time to time, certify to said common council to be necessary for the purposes of supplying the city of Newburgh with pure and wholesome water, or for the extinguishing of fires therein.

Authority to construct additional aqueducts, etc.

§ 16. In case the water commissioners of said city shall, at any time, deem that the interests of said city call for and require the expenditure of money, exceeding the sum of ten thousand dollars, in enlarging, altering and improving the water works of said city, or for any of the purposes of this act, before any such enlargement or improvement shall be entered upon, or any contract or purchase relating thereto shall be made, the said water commissioners shall make a statement thereof, under their hands, stating the nature of the enlargement, alteration or improvement required and the probable cost thereof, to the best of their judgment; and they shall deliver such statement to the common council, and it shall thereupon be the duty of the common council to cause a notice to be published and a special election to be held, in the manner provided by the twenty-first sec-

Proceedings when expenditures required for improvements, etc., of water works exceed \$10,000.

tion of the fifth title of the act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, as amended by the act of March ninth, eighteen hundred and sixty-six, at which special election the persons voting thereat shall designate on their ballots whether they vote for or against the improvement recommended by said water commissioners, and which election shall be conducted and the result thereof certified, in all respects, as provided in said twenty-first section; and if it shall appear from the certificate of the inspectors of such election, filed as therein required, that a majority of the votes cast at such special election were given in favor of making such improvement, it shall thereupon be the duty of the common council to provide for raising the funds necessary for that purpose, in the manner provided by the seventh section of this act. The said common council shall thereupon proceed to procure, in the manner hereinbefore provided, the title to the lands or easements therein, and to the lakes, ponds, springs, streams of water or other property required by said improvement, and the said water commissioners shall thereupon proceed to procure, in the manner hereinbefore provided, the title to the land or easements therein, and to the lakes, ponds, springs, streams of water or other property required by said improvement, and the said water commissioners shall thereupon proceed to cause such improvement to be made under their inspection, direction and control, and shall draw the necessary funds for the same by their drafts on the city treasurer, payable out of the moneys raised or to be raised as hereinafter provided. The said water commissioners shall, as soon as such improvement is completed, make a report thereof to the common council, giving a detailed account of their proceedings and of the expenditures made by them.

Proceedings when commissioners require less than \$10,000, for improvements, etc., of water works.

§ 17. In case the water commissioners of said city shall, at any time, deem that the interests of said city call for and require the expenditure of money, not exceeding the sum of ten thousand dollars in the aggregate, in enlarging, altering or improving the water works of said city, or for any of the purposes of this act, they shall make a statement thereof, under their hands, stating the nature of the enlargement, alteration or improvement, and the probable cost thereof, and they shall deliver such statement to the common council and thereupon the common council may, if it thinks proper, proceed in the manner hereinbefore provided to procure the title to such lands and easements therein, and the water and other property required by such improvement, and to raise by loan, upon the bonds of the city of Newburgh, as provided by this act, the money necessary for that purpose, and thereupon the said water commissioners shall proceed to cause such improvement to be made under their inspection and control, and shall draw the necessary funds for the same, by their drafts upon the city treasurer, payable out of the moneys raised or to be raised for that purpose. The said water commissioners shall, as soon as such improvement is completed, make a report thereof to the common council, giving a detailed account of their proceedings and of the expenditures made by them.

Common council may raise amounts by loan upon bonds.

§ 18. It shall be lawful for the common council of the city of Newburgh, to raise by loan, for the purposes of such enlargement, alteration and improvement of the water works of said city, as provided in sections sixteen and seventeen of this title, from time to time, upon bonds of the city of Newburgh, such amounts as occasion may require, which bonds shall bear interest, payable half yearly, not exceeding

seven per cent per annum, and the bonds so issued shall constitute a part of the water debt of the city of Newburgh; and such bonds shall not be sold at less than par, except upon four weeks' notice, published in two newspapers published in said city of Newburgh.

§ 19. The common council of the city of Newburgh is hereby authorized to borrow money and issue new bonds from time to time hereafter, as the water bonds heretofore issued by the city of Newburgh, or which may hereafter be issued by said city pursuant to this title, shall respectively mature and fall due, to take up and replace, or as substitutes for said water bonds, provided said city has no further funds on hand when said bonds shall from time to time mature sufficient to pay the same; which said bonds shall draw interest from date, payable semi-annually, at a rate not exceeding seven per cent, and shall be payable at such time, and shall be in other respects in such form as the common council of said city shall prescribe when directing the issue thereof; and no bonds issued by virtue of this section shall be sold by said city for less than their par value; and before any issue of bonds under and by virtue of this section, the common council of said city shall, by resolution thereof, duly passed and entered on their minutes, determine the amount of bonds at any time necessary to be issued to take up water bonds then to fall due, and shall prescribe the form thereof, in accordance with this section and the mode of sale thereof; and the proceeds of any bonds so issued shall be applied to the payment of water bonds then falling due, and for no other purpose.

May borrow money and issue new bonds.

Proviso

Bonds, interest, when payable, etc.

Proceeds, how applied.

§ 20. If any person shall wilfully do, or cause to be done, any act whereby any work, materials or property whatsoever erected or used within the city or town of Newburgh or elsewhere, by the said common council, or by the said commissioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, such person, on conviction thereof, shall be deemed guilty of a misdemeanor, and punished accordingly.

Wilful injury to property, etc., a misdemeanor.

§ 21. All contracts for materials or for construction of the work, shall be made in writing, and of each contract there shall be three originals executed by the parties, which shall be numbered with the same number and indorsed with the date of the contract, the name of the contractor and a summary of the work to be done or materials furnished, one of which copies shall be given to the contractor, one to the treasurer of said city, and one retained by the said commissioners.

Contracts.

§ 22. Public notice shall be given in one or more newspapers, as the said commissioners may direct, of the time and places at which sealed proposals will be received for entering into contracts; and all sealed proposals for contracts shall be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted on, and no more than one proposition shall be made by or received from any one person for the same contract, and no proposal or contract shall be assigned without the consent of the commissioners and the said common council.

Sealed proposals, notice of receiving.

§ 23. Every person who shall enter into any contract for the supply of materials, or the performance of any work, shall give satisfactory security to the said commissioners for the faithful performance of his contract according to its terms.

Security.

§ 24. The said commissioners in behalf of the said common council

Ground under

streets,
etc., right
to use.

and all person* acting under their authority, shall have the right to use the ground or soil under any street, highway or road within the towns of New Windsor and Newburgh, for the purpose of introducing water into and through any portion of the city of Newburgh, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired.

Polluting
aqueduct,
reservoir,
etc., a
misdemeanor.

§ 25. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited into any pond, lake, spring, aqueduct or reservoir owned or used, or hereafter to be owned or used by the city of Newburgh, or into any stream of water taken or to be taken, in whole or in part for the purposes of this title, any dead animal, or other offensive matter, or any thing whatever; and any person offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both, in the discretion of the court; such fine not to exceed one hundred dollars, and such imprisonment not to exceed a period of three months.

Punish-
ment.

Repeal.

§ 26. The act entitled "An act to authorize the common council of the city of Newburgh to enlarge, alter and improve the water works of said city, and to acquire the title to lands, lakes, ponds, springs and streams of water, and to raise money upon the bonds of the said city therefor," passed March sixteenth, eighteen hundred and sixty-seven, is hereby repealed, but such repeal shall not affect or impair any rights or liabilities heretofore acquired or imposed.

Number of
section
changed.

§ 27. The number of section eleven in title ten of this bill shall be changed to number twenty-seven

TITLE XI.

OF THE BOARD OF HEALTH.

§ 28. The said act is hereby further amended by inserting after title ten a title to be known as title eleven.

Board of
health and
health
officer, ap-
pointment
of.

§ 1. Within ten days after the passage of this act the mayor of the city of Newburgh shall, with the consent and approval of the common council, at the time and in the manner provided by section eighteen of title two of this act as hereby amended, annually appoint a board of health for said city, to consist of four persons, one of whom shall be a physician in good standing; and the mayor shall annually, with the consent of the common council, appoint, at the time and in the manner provided by said section eighteen, title two, a competent physician as health officer thereof.

Meetings,
election of
officers,
etc.

§ 2. The board of health shall hold stated monthly meetings, and shall also meet at such other times as the public interest may require. They shall elect from their own number a president, and the city clerk shall be the secretary of said board; a majority of the board shall constitute a quorum for the transaction of business. In case of the absence or inability of the president, the board may appoint a president pro tem. The members of the board of health shall not be entitled to any compensation, and the salary of the health officer is fixed at two hundred and fifty dollars per year, payable in equal quar-

Compensa-
tion.

* So in the original.

terly payments. The health officer shall daily, except Sundays, attend at a suitable room, to be provided by the common council, and known as the "health office," from eleven o'clock in the forenoon to twelve o'clock noon, to attend to business connected with the board of health.

Health officer to attend office.

§ 3. The said board shall be designated and known as "The Board of Health of the City of Newburgh," and shall have the power, and it shall be their duty:

Title of board, its powers and duties. Period of quarantine.

1. To determine the period of quarantine to which vessels, vehicles or persons arriving in said city shall be subject; but the said board shall have power, after the examination, to reduce the period of quarantine of such vessel, vehicle or person, if they shall deem it safe to do so.

2. To prescribe the duties and powers of the health officer, and to direct him from time to time, in the performance thereof.

Health officer's duties.

3. To make orders and regulations in their discretion, concerning the place and mode of quarantine, the examination and purification of vessels, boats and other craft not under quarantine; the treatment of vessels, articles or persons thereof, the regulation of intercourse with infected places, the apprehension, separation and treatment of emigrants and other persons, who shall have been exposed to any infectious or contagious disease; the suppression and removal of nuisances, and all such other orders and regulations as they shall think necessary and proper, for the preservation of the public health.

Orders and regulations.

4. To regulate and prohibit or prevent all communication or intercourse by and with all houses, tenements and places and the persons occupying the same, in which there shall be any person who shall have been exposed to any infectious or contagious disease.

Inter-course with infected places.

5. To procure suitable places for the reception of persons under quarantine, and persons sick with the Asiatic or malignant cholera, or any other malignant, infectious or contagious disease; and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical and other attendants and necessities.

Places, etc., for persons sick.

6. To compel owners of real estate fronting on streets or avenues through which sewers have been, or hereafter shall be built, to connect privy vaults and buildings on such premises with such sewers, where the same is practicable.

Connection of buildings, etc., with sewers.

7. To compel householders, parents, guardians, or other persons having charge of, in their families, or under their care, any persons sick with small pox, diphtheria, scarlet fever or other contagious disease or known by such householder, parent, guardian or other person to have been exposed to the contagion thereof, to immediately report the same to the health officer, or city clerk; to compel every physician attending any person so sick to report the same to said health officer or city clerk without delay.

To compel reports of contagious disease.

8. To prevent persons sick or exposed as in the last subdivision, from attending the schools of said city, until the health officer shall certify that the period of contagion has passed.

To detain from school.

9. To publish from time to time all such orders and regulations as they shall have made, by publishing the same in two of the public newspapers printed and published in the city of Newburgh, once a week for two weeks, and the affidavit of the publisher or foreman of such newspaper or newspapers, filed with the city clerk, shall be prima facie evidence in all courts and places of such publication; and to make, without publication thereof, such orders and regulations in special or individual cases, not of general application, as they may see

Publication of ordinances.

Orders, etc., in special cases.

Copies thereof, etc., to be served.

fit concerning the suppression and removal of nuisances, and concerning all other matters to which their powers extend, and to serve copies thereof, or notices containing the requirements mentioned in such order or regulations, upon owner of any premises whereon any such nuisance or other matters aforesaid shall exist, in case said owner resides in said city, and in case he does not reside in said city, then on the occupant or occupants of such premises, and in case such notices cannot be served in said city on either owner or occupant, then by posting the same in some conspicuous place on said premises.

May issue warrants.

10. To issue warrants to any marshal or police constable of said city, to apprehend or remove such persons as cannot otherwise be subjected to the orders and regulations by them adopted; and whenever it shall be necessary to do so, to issue their warrant to the sheriff of Orange county, to bring to their aid the power of the county. All of which warrants shall be forthwith executed by the officers to whom they shall be directed, who shall possess the like powers and be subjected to the like duties in the execution thereof, as if the same had been duly issued out of any court of record of this state.

How executed.

Employment of persons.

11. To employ all such persons as shall be necessary, to carry into effect the orders or regulations they shall have adopted, made and published, and the powers vested in them by this act, and to fix their compensation.

Penalties, ordaining of.

12. The board of health shall have power to enforce the observance of the orders and regulations to be made by them under the provisions of this act or heretofore made and herein declared to be in force by ordaining penalties to be incurred for each and every violation of the same not exceeding fifty dollars, for any one offense, to be recovered with costs, in a civil action in any court having cognizance thereof, or to remit the same, or any part thereof. All such orders and regulations of general obligation hereafter to be made shall take effect at the second publication thereof. The said board in their name, may sue for and collect all penalties for such violations. The provisions of section twelve, title three, as hereby amended, shall apply to the collection of penalties under this title, but no action shall be commenced for such penalties before a justice of the peace or the recorder, without the written order or request of the president of the board of health.

Collection of penalties.

Effect of ordinances, etc., heretofore adopted.

§ 4. The ordinances of the board of health as amended, revised and adopted September eleventh, eighteen hundred and sixty-seven, passed pursuant to an act for the preservation of the public health, passed April tenth, eighteen hundred and fifty, heretofore published and on file with the city clerk of said city, except where the provisions thereof exceed the powers given by this act, shall remain in full force and effect; and the penalties therein prescribed for violation thereof, may be sued for and collected as provided in the third title of this act; but the board of health may amend or repeal said orders and regulations, wholly or in part, and pass any new orders or regulations authorized by this act.

Violation of orders a misdemeanor.

§ 5. Every person who shall willfully violate, or refuse to obey any order or regulation so made and published, or any order so made and served or posted as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to fine or imprisonment, or both, in the discretion of the court, such fine not to exceed one thousand dollars, nor such imprisonment two years.

Power to enter upon

§ 6. In any case of non-compliance by any person or persons, com-

pany or corporation, with any order or regulation, which shall have been published or served, or posted as provided in subdivision nine of this act, the said board or its servants or employes, or the health officer, may lawfully enter upon any premises to which such order or regulation relates, and suppress or remove the nuisance, or other matters in the judgment of said board, detrimental to the public health, mentioned in such order or regulation, and any other nuisance or matter of the description aforesaid found there existing, and carry out the provisions of said order or regulation ; and the expenses thereof shall be a charge upon the owner or owners, occupant or occupants or any or all such owners or occupants jointly or severally, and may be sued for and recovered with costs by the said city of Newburgh in the name of said city in any court having jurisdiction ; but such action shall not operate to release any lien upon property for such expense until the judgment rendered in such suit shall have been fully satisfied. When the board shall have incurred any such expense they shall also cause to be entered upon their minutes a statement showing the amount so expended, the name of the owner or owners of such premises, to the best of their knowledge, the occupant or occupants thereof, a brief description of said premises, and the clerk of the board shall make a copy of such statement, certify it to be a true copy thereof, state the date of entry on the minutes of the board, and deliver it to the collector of the city of Newburgh, and it shall be entered by him in a book to be provided by the common council for that purpose, entitled "Board of Health Liens." In the first column of said book shall be entered the name of such owner or owners; in the second, the name of the occupant or occupants ; third, date of filing statement with the collector ; fourth, a brief description of the premises ; fifth, amount of such expenses ; and there shall be a sixth column, in which there shall be entered the payment thereof when the same shall have been paid. On the entry in such book as aforesaid, such expenses shall be a lien upon such premises, shall bear ten per cent interest from the date of entry and have preference over all other liens and incumbrances whatever ; and the common council may at any time thereafter cause the said real estate to be sold to pay such expenses and interest, in the manner provided in title five of the "Act to amend the act to incorporate the city of Newburgh," passed May six, eighteen hundred and seventy-two, and all the provisions of said title in regard to redemption on sales shall apply to the real estate or premises so sold. The city of Newburgh may also sue for and recover all expenses incurred by the board of health from any person, corporation or company because of non-compliance with any lawful rule and regulation of said board, on the part of such person, corporation or company in cases where expenses cannot be charged as a lien upon real estate under this act.

premises
and sup-
press
nuisances,
etc.

Expenses
thereof,
how re-
covered.

Statement
to be en-
tered upon
minutes,
and copy
delivered
to col-
lector.

Entries to
be made
in book by
collector.

Expenses
a lien.

Real es-
tate may
be sold.

Expenses
not a lien,
how re-
covered.

§ 7. The moneys which may be received by the board of health, the collector or any attorney for penalties, expenses incurred and interest, shall be paid to the city treasurer and credited to the contingent fund ; and the expenses incurred by said board of health, in the execution and performance of the duties imposed by this act, shall be audited, levied, collected and paid in the same manner as other city charges are audited, levied, collected and paid.

Proceeds
of penal-
ties.

Expenses
of board.

§ 8 When the board of health shall be of the opinion that the expenses incurred by them in carrying out the orders and regulations they make, are properly chargeable to the owner or owners, occupant or occupants of separate pieces of real estate, they may assess, divide

Adjust-
ment of
expenses.

and adjust such expenses among such owners or occupants in such a manner that each parcel of land, and the owners and occupants thereof shall only be held for his, her or their just and fair share or portion thereof.

Tenants in common, actions between.

§ 9. Whenever any expenses shall be imposed as a lien upon real estate owned by two or more tenants in common, and shall be paid by one or more of such owners, the person or persons making such payment shall have a right of action against the remaining owner or owners, to recover his or their proper share of such payment; and whenever any occupant shall be compelled to pay any such expenses for any thing ordered by the board of health, pertaining to the property occupied by him or her, for any nuisance or other matter for which such occupant shall not be in fault, such occupant may have the right of action for the amount so paid against the owner or owners of the premises or deduct the same from any rent which may subsequently become due from such occupant to such owner or owners of such premises.

Actions between occupant and owner.

Number of title changed.

§ 29. The number of title eleven of said act is changed to title twelve.

§ 30. Section three of title four of said act to incorporate the city of Newburgh as subsequently amended by act passed March fourteen, eighteen hundred and seventy-six, is hereby further amended so as to read as follows:

Supervisors and collectors, powers and duties of.

§ 3. The supervisors and collectors provided for by this act shall have the same powers and duties as supervisors and collectors in any town in the county of Orange, except as otherwise provided in this act, and the said supervisors shall be members of the board of supervisors of the county of Orange. All said supervisors hereafter elected shall each receive from the county of Orange the same compensation as supervisors of towns in said county, and from the city of Newburgh the additional sum of seventy-five dollars for each supervisor. The supervisors now in office shall receive the compensation allowed by law at the time of their election.

Compensation.

§ 31. This act shall take effect immediately.

CHAP. 169.

AN ACT to authorize the trustee of school district number two of the town of Hinsdale to lease the upper story of the district school-house to the town of Hinsdale, for a town hall and other purposes.

PASSED April 24, 1878; three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees may lease with consent of voters.

SECTION 1. The trustee of school district number two of the town of Hinsdale, Cattaraugus county, by and with the consent of a majority of legal voters present and voting at a special school district meeting, called and convened for that purpose, may lease to the town of Hinsdale the second story of the district school-house, for a term not more than twenty years, for a town hall, upon such terms and conditions as the said trustee shall deem just and proper.

§ 2. The supervisor, town clerk and justices of the peace, or a majority of them, as shall appear and act after due notice, shall have the power, on the behalf of said town, to enter into a writing, leasing said portion of said district school-house for a term not exceeding twenty years, upon such terms and conditions as they and the said trustee shall deem proper.

Execution
of lease on
behalf of
town.

§ 3. The said supervisor, clerk and justices shall have power to let by contract the necessary repairs and seating of said town hall at the expense of the town, not exceeding five hundred dollars, and they shall have the care, custody and control of said town hall during said term, and from time to time keep the same in good order and repair during said term, at the expense of said town.

Contract
for repairs,
etc.

§ 4. The board of town auditors shall, from time to time, audit and allow any accounts arising under this act for rents and repairs, which shall be levied and collected in the same manner as other town accounts are now levied and collected by law.

Audits of
accounts,
etc.

§ 5. This act shall take effect immediately.

CHAP. 170.

AN ACT to reduce the number composing the board of education of Gowanda union free school district number one, composed of parts of the towns of Persia and Perrysburgh, in Cattaraugus county, and of a part of the town of Collins, in Erie county.

PASSED April 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of education of Gowanda union free school district number one, composed of parts of the towns of Persia and Perrysburgh, in Cattaraugus county, and of a part of the town of Collins, in Erie county, heretofore composed of nine members, shall be reduced to the number of six, in the manner prescribed as follows: All members of the present board shall continue to act as such until the next annual meeting for the election of trustees of said board, at which time no election shall be held to fill the vacancy of the three outgoing trustees, whose terms of office then expire, and the remaining six shall constitute the said board of education, two of whom shall serve one year, two two years, and two three years from the date of the next annual school meeting, and their respective terms of office shall be then determined by lot, and after that date, vacancies in the said board shall be filled in the usual manner.

Reduction
of mem-
bers of
board of
education.

§ 2. This act shall take effect immediately.

CHAP. 171.

AN ACT transferring a portion of the Chemung canal to the city of Elmira for street purposes.

PASSED April 25, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Release.

Condi-
tions.

Common
council
may open
as a street.

Reserva-
tion.

Common
council
may ad-
vance
sums.

Repeal.

SECTION 1. All that portion of the Chemung canal lying south of the junction of said Chemung canal with the Junction canal, and north of the north boundary of Water street, in the city of Elmira, is "hereby released, and transferred to the city of Elmira for the uses and purposes of a street, upon condition that said " city of Elmira pay to Lucius A. Humphrey and Joseph S. Humphrey, jointly the sum of five thousand dollars, and to Samuel Hubbell the sum of three thousand dollars, for the title and interest of the state and of the said persons therein respectively, and also pay the sum of twelve hundred dollars, the costs, charges and expenses of the state, incurred in a suit heretofore brought by the state, to vacate certain letters patent issued to Daniel Stephens, Frederick O. Steele, and Elijah P. Brooks, bearing date August seventeenth, eighteen hundred and sixty-six, covering lands heretofore used for the purposes of the Chemung canal, lying immediately north of the north boundary of Water street, in said city; and upon a further condition, that said sums of money shall be raised by the city of Elmira, or reimbursed to the city of Elmira, by the amount thereof being assessed upon the lands to be benefited by the change of said canal into a public street, and each parcel of land so to be benefited to be assessed pro rata according to the benefits to be derived from such change, and the common council of the city of Elmira is hereby authorized to take proceedings to open said part of the Chemung canal above described as a public street, under and according to the provisions of the charter of said city in the matter of street openings.

§ 2. The state hereby reserves the right at any time to connect the sewer running from the state reformatory, located in the vicinity of Elmira, with the sewer now laid in said portion of the Chemung canal, and to maintain the same.

§ 3. The common council of the city of Elmira are hereby authorized, before said assessments shall be collected, if they shall elect so to do, to advance from any funds belonging to the city, said sums of money mentioned in the first section hereof, and be reimbursed therefor out of said sums to be collected.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 172.

AN ACT to amend chapter forty-two of the laws of eighteen hundred and fifty-six, entitled "An act to incorporate the College of Pharmacy of the city of New York," passed March twentieth, eighteen hundred and fifty-six.

PASSED April 25, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter forty-two of the act entitled "An act to incorporate the College of Pharmacy of the city of New York," passed March twentieth, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

§ 3. The officers of the college shall be a president, three vice-presidents, a treasurer, and a secretary, whose respective duties may be assigned by the by-laws, and who shall be elected at the stated meeting in March of each year, and any vacancy or vacancies that may occur may be supplied by a special election by the members of said college. There shall also be elected at the first stated meeting in March, after the passage of this act, a board of trustees, consisting of not less than nine members, and the officers of the college shall be ex-officio members of the board of trustees. And the said board of trustees, of whom not less than one-third shall constitute a quorum, shall conduct the ordinary affairs of the College of Pharmacy of the city of New York as they may deem fit and proper, and perform such duties as are or may be, from time to time, committed to them by said college; the acts of the board of trustees, however, to be subject to the revision of the college at each stated meeting.

The board of trustees immediately after the first election, after the passage of this act, shall classify themselves by lot into three equal classes, of whom the term of office of the first class shall continue for three years, of the second for two years, and of the third class for one year, so that a like number of trustees shall be elected at the stated meeting in March of each year for the term of three years each.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. The trustees shall have power to issue certificates of membership, to adopt rules and regulations in the examination of candidates, and the granting of diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college. Students who have attended one course of lectures in any other regularly constituted college of pharmacy, may be entitled to graduate after attending one course of lectures in this college and complying with the other requisitions provided herein, and in the by-laws of said college.

§ 3. This act shall take effect immediately.

CHAP. 173.

AN ACT to amend chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to consolidate the general acts relating to public instruction."

PASSED April 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-seven of article three of title seven of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

Trustees
of new
school dis-
trict.

Electors to
determine
whether
there shall
be one or
three
trustees.

§ 27. On the second Tuesday of October next after the erection of a district, at its first annual meeting, the electors shall determine by resolution, whether the district shall have one or three trustees, and if they resolve to have three trustees, shall elect the three for one, two and three years respectively, and shall designate by their votes, for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee. The electors of any district having three trustees shall have power to decide by resolution, at any annual meeting, whether the district shall have a sole trustee or three trustees, and if they resolve to have a sole trustee, the trustee or trustees in office shall continue in office until their term or terms of office shall expire, and no election of a trustee shall be had in the district until the offices of such trustee or trustees shall become vacant by the expiration of their terms of office or otherwise, and thereafter but one trustee shall be elective for said district, until the electors of a district having one trustee shall determine at an annual meeting, by a two-thirds vote of the legal voters present thereat, to have three trustees; in which case they shall, upon the adoption of such resolution, proceed to elect three trustees in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§ 2. This act shall take effect immediately.

CHAP. 174.

AN ACT to amend section seven of title thirteen of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled "An act to revise and consolidate the general acts relating to public instruction."

PASSED April 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of title thirteen of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, entitled

"An act to revise and consolidate the general acts relating to public instruction," is hereby amended so as to read as follows:

§ 7. Whenever the trustees of any school district or any school district officer or officers have been or shall be instructed by a resolution of the district at a meeting called for that purpose, to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated.

Costs in actions by and against trustees.

§ 2. This act shall take effect immediately.

CHAP. 175.

AN ACT to amend section two, chapter thirty-three of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled 'An act for the further protection of female employees in the city of New York.

PASSED April 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter thirty-three of the laws of eighteen hundred and seventy-eight, entitled "An act to amend chapter five hundred and sixteen of the laws of eighteen hundred and sixty-seven, entitled 'An act for the further protection of female employees in the city of New York,'" is hereby amend * so as to read as follows:

§ 2. Whenever any execution issued upon a judgment as aforesaid shall be returned unsatisfied, the clerk of the court wherein such judgment was obtained shall issue a further execution to any marshal of the city of New York commanding him to collect the amount due upon such judgment, or in default of payment thereof, to arrest the defendant in such execution and him safely convey to the jail or debtors' prison of the county of New York, and commanding the jailor of said jail to keep the said defendant without benefit of jail limits until the said defendant shall pay the said judgment, or be discharged according to law, but such imprisonment shall in no case extend beyond the period of fifteen days.

Arrest of defendant in actions for work, labor and service.

§ 2. This act shall not apply to any action or proceeding already commenced.

§ 3. This act shall take effect immediately.

* So in the original.

CHAP. 176.

AN ACT to repeal chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to Ulster county.'"

PASSED April 25, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter four hundred and sixteen of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter four hundred and forty of the laws of eighteen hundred and seventy-three, entitled 'An act requiring commissioners of highways to act as inspectors of plank-roads and turnpikes, so far as the same relates to Ulster county,' " is hereby repealed, and the provisions of chapter four hundred and forty of the laws of eighteen hundred and seventy-three shall be applicable to the said county of Ulster.

§ 2. This act shall take effect immediately.

CHAP. 177.

AN ACT releasing the interest of the people of the state of New York in certain real estate to Christian Spiess.

PASSED April 25, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
the state
released.

SECTION 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat, by reason of the alienage of Mary M. Spiess, deceased, of, in and to that piece or parcel of land situate in the city of Buffalo, county of Erie, and state of New York, of which the said Mary M. Spiess died possessed, and conveyed to her by Samuel Hecox, by deed dated December tenth, eighteen hundred and fifty-five, and recorded in the county clerk's office of Erie county, October sixth, in the year of our Lord one thousand eight hundred and fifty-six, in book one hundred and sixty-seven, of deeds, at page one hundred and fifty-eight, at eleven and one-half o'clock, in the forenoon, is hereby released to Christian Spiess, of the town of Grand Island, in the county of Erie, state of New York.

Not to
affect
rights of
heirs, etc.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any creditor or purchaser, heir-at-law or devise, in the said real estate.

§ 3. This act shall take effect immediately.

CHAP. 178.

AN ACT to extend the time for the collection of taxes in the town of Ithaca in the county of Tompkins.

PASSED April 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection of taxes in the town of Ithaca in the county of Tompkins is hereby extended to the fifteenth day of June, eighteen hundred and seventy-eight, provided, however, that within ten days after the passage of this act, the collector or tax receiver of said town shall pay over all moneys already collected, and execute an official bond to the satisfaction of the supervisor of the said town of Ithaca. But nothing herein contained shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller as now provided by law.

Time for
collection
of taxes
extended.

§ 1. * This act shall take effect immediately.

CHAP. 179.

AN ACT to amend chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of White Plains,' " and chapter four hundred and nine of the laws of eighteen hundred and seventy-three, entitled "An act further to amend the charter of the village of White Plains in the county of Westchester."

PASSED April 26, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of title one of the act entitled, "An act to amend an act entitled, "An act to incorporate the village of White Plains, passed April third, eighteen hundred and sixty-six," passed April twenty-second, eighteen hundred and sixty-seven, is hereby amended so as to read as follows :

§ 2. The inhabitants resident within the boundaries of said village are hereby declared to be a corporation and shall hereafter be known in law by the corporate name of "the Village of White Plains," and by that name they and their successors shall have perpetual succession capable in law of suing and being sued, complaining and defending in any court of law or equity, and may adopt and use a common seal, and alter the same at pleasure, and receive by gift, purchase, grant, devise, or bequest, subject to all the provisions of law now existing relating to devises or bequests by last will and testament, and hold and

Corporate
name and
powers.

* So in the original.

convey such real and personal estate as the purposes of the corporation may require. The said village is hereby divided into three wards as follows, namely :

Ward divisions.

First ward. The first ward shall comprise all the territory lying westerly of the centre line of the track of the New York and Harlem Rail Road Company in said village.

Second ward. The second ward shall comprise all the territory lying easterly of the centre line of the track of the said Rail Road Company and south of a line drawn through the centre of Rail Road Avenue in said village from the said centre line of the track of said Rail Road Company to the west side of Broadway and continuing from thence in the same course in a straight line across said Broadway and to the easterly boundary of said village.

Third ward. The third ward shall comprise all the territory lying easterly of the centre line of the track of the said Rail Road Company, and north of the said line drawn through the centre of said Rail Road Avenue and to the easterly boundary of said village.

Trustees may alter boundaries, etc. The board of trustees of said village is hereby authorized by ordinance to more particularly describe the boundaries of said wards and to alter the same not oftener than once in five years so that the said wards shall each contain as nearly as may be an equal number of population.

§ 2. Section one of title two of the said act is hereby amended so as to read as follows :

Officers of village.

§ 1. The officers of said village shall be a president, clerk, treasurer, police justice, collector of taxes and assessments, two trustees of each ward and such other officers as the board of trustees, as hereinafter authorized, shall appoint. The present incumbents shall hold their offices until their successors shall be duly elected or appointed, and qualified as provided by this act.

§ 3. Section two of said title two of the said act is hereby amended so as to read as follows :

Qualifications of voters.

§ 2. Every inhabitant actually residing in the said village who possess the qualifications necessary to entitle him to vote for member of assembly, shall be qualified to vote for all officers to be elected by the people by virtue of this act in the ward of which he is then a resident and in which he shall have resided for ten days previous to an election, but no person shall be entitled to vote upon any proposition to raise money by tax at any special meeting of the inhabitants of said village unless he shall at the time be liable to be assessed for such tax.

§ 4. Section three of said title two of the said act is hereby amended so as to read as follows :

Officers to be resident electors.

§ 3. All the officers of said village shall be residents and legal voters of said village while holding their respective offices, and when any officer of said village shall cease to be a resident thereof, his office shall become vacant. No person shall be eligible to the office of trustee unless he is a resident and freeholder of said village, in the ward in which he is elected, and whenever a trustee of said village shall cease to be a resident or freeholder in the ward in which he was elected, his office shall become vacant.

Eligibility of trustees.

§ 5. Section four of said title two of the said act is hereby further amended so as to read as follows :

Elections.

§ 4. All elections for officers of the said village elective by the peo-

ple, shall be held on the second Tuesday of May in each year, and the officers so elected shall hold their offices for two years, and the board of trustees of said village shall annually appoint three inspectors and a poll clerk of such election for each ward in said village. The said inspectors of each ward shall designate the place therein where the said election shall be held, and the said election shall be held at such place between the hours of twelve o'clock noon, and sunset of the day hereinbefore designated. And the said inspectors shall give ten days' previous notice of such election and the officers to be elected, by posting printed notices thereof in ten public places in such ward. No place shall be designated for holding such election where spirituous liquors are accustomed to be sold.

Inspectors and clerks.

Place of holding.

Notice.

Restriction as to place.

The inspectors of each ward, or a majority of them, shall preside at such election, and receive the votes of qualified electors, and immediately after the closing of the polls shall canvass the votes taken at such election, and without unnecessary delay publicly declare the result, and shall also make and subscribe a certificate of such canvass showing the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be filed within four days with the clerk of said village who shall record the same in the record book of said village, and deliver the original certificate to the board of trustees at its next meeting, which board shall thereupon as soon as may be make a statement of the whole number of votes given in each ward, the names of the candidates voted for, and the number of votes given to each, and shall then determine what persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in said statement. All laws relating to general elections for state officers, as far as the same shall be applicable, shall be deemed to apply to all elections authorized by this act, and the inspectors of all elections under this act shall have the same power and authority, and shall proceed in all respects as near as may be as inspectors of election in towns. The said poll clerk shall keep a list of the names of all persons voting at any election held in his ward, and shall file the same with the clerk of said village within four days after any such election.

Inspectors to preside, etc.

Certificate to be made filed, etc.

Trustees to determine what persons elected. General election laws applicable.

Poll list.

§ 6. Section five of said title two of the said act is hereby amended so as to read as follows:

§ 5. At the election to be held in said village on the second Tuesday in May, eighteen hundred and seventy-eight, there shall be two trustees elected in each of the wards of said village, and the terms of office of all the present trustees of said village shall cease and determine on the third Tuesday in May, eighteen hundred and seventy-eight. The trustees elected at the said election shall meet at the usual place of meeting in said village, on the third Tuesday in May, eighteen hundred and seventy-eight, and form a board, and by a majority of votes elect a resident and freeholder of said village (who shall not be a member of the said board) president of said village, who shall hold his office for two years and until his successor shall be duly elected and qualified pursuant to this act. The two trustees from each of said wards respectively, shall then determine by lot which of their number shall serve for one and two years respectively, so that thereafter there shall annually be elected one trustee in each ward for the term of two years. On the third Tuesday in May of each year after the year eighteen hundred and seventy-eight, the trustees elected pursuant to this act shall

Election of trustees, in 1878.

Meeting to form board and elect village president.

Terms of trustees, how determined.

Annual meeting to form board.

Village
president,
election
of.

President
pro tem.

Police
justice,
election
of.

Term of
office.

Vacancies,
how filled.

meet and form a board, and at each second annual meeting of the said board after the year eighteen hundred and seventy-eight the said board shall elect a person duly qualified as aforesaid president of said village. The said board may also elect one of its number president pro tem. who shall be the presiding officer thereof during the temporary absence of the president from its meetings by sickness or any other cause, and who shall act as president during the absence of the said president from said village, but said president pro tem. shall not have the power to sign or veto ordinances and resolutions passed by the said board unless such absence shall continue for more than ten days. The said board shall also at its annual meeting on the third Tuesday in May, eighteen hundred and seventy-eight, and at each third annual meeting thereafter, elect a police justice of said village, who shall be a freeholder therein and who shall hold his office for three years from and after the first day of June immediately succeeding such election. In case a vacancy shall occur in the office of president or police justice by death, resignation, or any other cause the said board shall at its next meeting after the happening of such vacancy, or as soon thereafter as may be, fill the same by the election of a person qualified as aforesaid, who shall hold said office for the residue of the unexpired term. In case a vacancy shall occur in any office elective by the people by death, removal or otherwise the said board shall have power to fill such vacancy until the same shall be filled at the next annual election.

§ 7. Section six of said title two of the said act is hereby amended so as to read as follows:

Village
president,
his duties
and pow-
ers.

§ 6. The president of said village shall be the chief executive officer thereof, and it shall be his duty to call special meetings of the board of trustees whenever he shall think proper, to preside, when present, at all meetings of the said board, and special meetings of the inhabitants of said village, to give the casting vote in the case of a tie vote in said board, to sign all ordinances, resolutions, rules, regulations, bonds, licenses, appointments of officers, deeds and contracts made by the said board in behalf of said village, to commence, prosecute or defend all suits in the name of the village that shall be ordered by the said board, to pay all moneys that shall come into his hands for the use of said village to the treasurer thereof, to countersign all drafts on the said treasurer, and to do all such other acts as usually appertain to the duties of an executive, or a presiding officer, or which the said board may legally require of him. The president shall have power to veto any ordinance, or resolution passed by the said board of trustees, within ten days after the passage thereof. In case the president shall veto any such ordinance or resolution passed by the said board within the time aforesaid, or shall refuse to approve of the same, the said ordinance or resolution shall not become operative unless reconsidered, and again passed by said board by a two-thirds vote of the members elected thereto, whereupon the same shall be valid and effectual without the signature or approval of the said president; provided however that the president shall not have authority to veto a resolution passed by said board relating to the election of a president of said village, or a president pro tempore of said board. The president shall receive no compensation for his services.

Veto of
ordinan-
ces.

Compensa-
tion.

§ 8. Section eight of said title two of the said act is hereby amended so as to read as follows:

Clerk, his
duties.

§ 8. The clerk shall attend and act as clerk at all special meetings of the inhabitants and all meetings of the board of trustees, record

their proceedings, keep all books and papers and the seal of said village, and deliver the same to his successor on demand, and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts and places in like manner as if the original were produced, and for certifying the same, he shall be entitled to receive six cents for every hundred words so certified from the person requiring the same; the books and papers under his custody and control, shall always be produced for inspection to any person who may be interested. He shall attend to the publication of all ordinances, resolutions and notices which the board of trustees shall direct, notify all persons of their election or appointment to office under this act, and perform such other duties as the board of trustees may from time to time lawfully direct or ordain, and the said board of trustees may allow to him a reasonable compensation for his services.

Copies of records, etc., evidence.

Fees for copies.

Other duties.

Compensation.

§ 9. Section nine of said title two of the said act is hereby amended so as to read as follows:

§ 9. The police justice of said village shall have jurisdiction in all criminal cases that may arise within the said village, with the same power and authority, and subject to the same duties and liabilities as a justice of the peace; and he shall have exclusive jurisdiction in all actions brought to recover fines or penalties for the violation of the provisions of this act, and of the ordinances, resolutions, rules and regulations passed or adopted by the said board of trustees, in pursuance of the provisions of this act. He shall also have within said village the same powers and jurisdiction in civil cases as are now, or may hereafter be possessed by justices of the peace, and all his judgments and proceedings may be reviewed in the same manner, and in the same courts as is now, or may hereafter be provided by law in cases of judgments and proceedings by and before justices of the peace; but he shall not hold his court outside of the said village, nor shall he have jurisdiction over any cause, or matter arising outside of its limits. In case of his absence from the village, or illness, or inability to attend to his said duties, the same may be performed by a justice of the peace residing in said village during such absence or inability. He shall file with the clerk of the county of Westchester a copy of his signature for comparison of affidavits, or other legal papers, signed, acknowledged, or taken before him. He shall have the same power to administer oaths, and take acknowledgments as a justice of the peace, and with the same force and effect. The said police justice shall be entitled to receive in all civil cases the same compensation for his services as may be allowed by law to justices of the peace. He shall make return under oath to the board of trustees on the first Monday of every month of all criminal cases heard, or determined by him, and of all cases arising from the violations of the provisions of this act, or of any ordinance, resolution, rule, or regulation passed or adopted by the said board by virtue thereof, heard or determined by or before him, and of all penalties or fines arising therefrom, received by him during the preceding month, and to pay the same to the treasurer on the first day of each month, taking his receipt therefor and annexing it to his monthly return. He shall keep a docket in which shall be entered fully minutes of all business done by and before him as such police justice, which docket shall at all times during the business hours of the day be open for the inspection of

Police justice, his jurisdiction.

Provision in case of absence, etc.

Signature.

May administer oaths, etc. Compensation.

Monthly return to trustees.

Payment of fines.

Docket.

the president and trustees of the said village. The said docket shall be and remain the property of the court until the expiration or sooner determination of his term of office, when the same shall be filed with the clerk of said village, and become the property thereof. The said police justice shall be subject to removal from office after due notice, and an opportunity of being heard by the said board for causes to be assigned in the resolution making such removal.

§ 10. Section ten of said title two of the said act is hereby amended so as to read as follows:

Treasurer, his duties. § 10. The treasurer shall receive all moneys directed to be paid into the treasury of said village, and pay out the same, and shall render an account of the state of the finances to the board of trustees whenever ordered by it, and shall deliver all books, papers and property of the village in his hands to his successor in office on demand. No money shall be paid by him for any purpose unless directed by the said board by a draft drawn by the clerk, countersigned by the president, and the treasurer in his settlement with the said board shall be allowed for no moneys except such as are paid out as aforesaid. It shall be his duty in each year during his official term to make a full and detailed statement of his account under oath, which shall be published in a newspaper published in said village at least one week preceding each annual election.

Money, how paid out.

Annual statement.

§ 11. Section eleven of said title two of the said act is hereby amended so as to read as follows:

Duties of officers appointed. § 11. All officers appointed by the board of trustees under this act shall perform such duties as shall be required of them respectively by the ordinances, resolutions, regulations and rules adopted or passed by the said board.

§ 12. Section twelve of said title two of the said act is hereby amended so as to read as follows:

Appointments, how made. Provision in case of failure to elect trustee. § 12. All appointments by the said board of trustees shall be certified to by warrant under the corporate seal, and signed by the president and the clerk of said village. In case of a failure to elect a trustee at an annual election, the said board may fill the vacancy by appointment of a person duly qualified under the provisions of this act until the next annual election when the same shall be filled by election for the unexpired term.

§ 13. Section fourteen of said title two of the said act is hereby amended so as to read as follows:

Meetings of trustees. § 14. The board of trustees may meet at such places in said village and at such time as it shall by resolution direct. It may also meet at any time, and in any place in said village when called upon for that purpose by the president, and the clerk upon a written request signed by four trustees filed with him shall call a special meeting of the said board to be held at the time and place stated in such request.

§ 14. Section one of title three of the said act is hereby amended so as to read as follows:

Trustees to have control of finances, property, etc. § 1. The board of trustees shall have the sole management and control of the finances and of all the property belonging to the village, shall superintend or appoint persons to superintend all the work and improvements done and bestowed upon any of the highways, streets, avenues, bridges, sidewalks and crosswalks in said village, procure the materials for the same, employ the laborers, and perform all other services that may be prescribed by this act, but no member of said board shall receive any compensation, nor be interested directly or in-

To receive no pay nor be inter-

directly in any contract, engagement, matter, or thing whatsoever, in which the village shall be a party. The said board of trustees shall also have power and authority within said village to make, enact, ordain, establish and publish, and at pleasure to alter, modify, amend, or repeal ordinances, resolutions, rules and regulations for the following purposes, namely :

1. To preserve peace and good order, to quell and prevent any noise, disturbances, riots and disorderly assemblages and meetings, to restrain and suppress disorderly houses, gaming houses, and instruments and devices for the purpose of gaming.

ested in
contracts.
Their
powers.

To pre-
serve
peace,
good
order, etc.

2. To restrain the running at large of cattle, horses, swine, asses, mules, sheep, goats, fowls and geese and to authorize the restraining, impounding and sale of the same for the penalty incurred and cost of proceedings, and to appoint one or more persons to drive any of the aforesaid animals or fowls so running at large to the pound, and to determine their fees and duties, to establish and regulate public pounds, to appoint pound keepers, and to prescribe their powers and duties, and to regulate and prevent the running at large of dogs owned or harbored by persons residing in said village, and to tax the same not exceeding one dollar per dog each year.

Running
at large of
animals.

Public
pounds,
etc.
Dogs.

3. To regulate the speed and management of public conveyances, except those driven by steam, within or through the said village, upon such terms, and under such restrictions and penalties as the said board shall prescribe.

Speed of
convey-
ances. etc.

4. To prohibit or regulate the rolling of hoops, playing at ball, flying of kites, sliding down hill on sleds, or any other amusements and practices having a tendency to annoy, injure or endanger persons passing on the streets or sidewalks, or to frighten or interfere with teams or horses in said village, and to regulate the firing of crackers and other fireworks, or making bon-fires in said village.

Prohibi-
tion of
games.

5. To prevent and remove all incumbrances, obstructions and encroachments, from any cause whatever, upon the public streets, bridges, public squares or grounds, sidewalks or crosswalks of said village, and to cause the same to be removed, and the streets to be cleaned and unobstructed, to provide, by resolution or ordinance, for the payment of the expenses of the removal of any such incumbrances, encroachments or obstructions by the person or persons making or causing the same, and to prevent riding, driving or leading horses, teams of cattle with or without wagons, sleighs or carriages, or dumping or placing any article on any sidewalk, park or public grounds in said village; to prevent the obstruction of the public streets by the placing or dumping of any earth or other articles in said streets, and to prevent the leaving of wagons, sleighs or other vehicles standing in said streets.

Removal
of obstruc-
tions from
streets,
walks, etc.

Expense
thereof,
how paid.

6. To compel all persons to remove from the sidewalks and gutters in front of the premises owned or occupied by them, all snow, ice and dirt and to keep the said sidewalks, streets and gutters clean, and to cut the grass and weeds in front of the said premises.

Removal
of snow,
dirt, etc.

7. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stall, privy, sewer, slaughter-house, skin factory, pig sty or other noisome house or place, to cleanse, remove, abate or discontinue the same, whenever it shall be necessary for the public health, comfort or convenience.

Cleansing,
etc., of
soap fac-
tories,
sewers,
etc.

8. To remove, destroy, prevent, or abate nuisances, to regulate slaughter-houses, to direct the location of the same, and to abate nuisances generally.

Nuisances.

Erection
of hay
scales.
Weighers,
etc., their
duties.

9. To allow to be erected in any of the streets or squares of said village hay scales, to appoint weighers, measurers, and an examiner of weights and measures for said village, which said examiner of weights and measures shall have power at all reasonable and proper times within business hours, to inspect and examine the weights and measures used within said village, and shall have the right to enter any store, or building in said village for the purpose of such inspection and examination; his duties and mode, and rate of compensation shall be more particularly prescribed by the said board by ordinance.

To pro-
hibit ex-
hibitions
or license
the same.

10. To sanction or prohibit in their discretion all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatrical, or other shows, or exhibitions, or performances for money within the said village. The said board of trustees may license any such exhibition or performance on payment, for the benefit of said village, of not less than five nor more than fifty dollars for each day of such exhibition, or performance; but nothing in this section shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving of money for the same, nor shall any license be required for the delivery of such lectures.

Laying of,
gas pipes,
etc.

11. To authorize and regulate the laying of gas pipes, water pipes, and mains in any of the streets, avenues and public places in said village.

To con-
struct
streets,
etc.

Shade
trees.

12. To grade, repair, construct, amend or relay (or cause the same to be done) any street, highway, sidewalks, crosswalks, gutters or bridges with such material as said board may determine, and to provide for the planting, or setting, and protecting, or removal of ornamental or shade trees in any public square, grounds or streets in said village.

Surveys.

13. To survey the boundaries and streets of said village, establish the same, and make a map thereof, and of the said village.

Regula-
tions to
prevent
fires.

14. To enter and authorize others to enter in the day time when it shall be necessary to do so, into any building in the said village in which shall be a fire place, chimney, stove or stove pipe for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fires shall require.

To license
hacks, etc.

15. To license hacks and hack drivers, public conveyances and public venders of merchandise, and to fix the fees therefor, and by ordinance to regulate, prescribe and determine from time to time the rates of fare to be charged for conveying persons or passengers to and from all points within the corporate limits of said village.

To pro-
hibit use of
lands for
burials.

16. To prohibit the use of any lands or premises within the said village for burial or cemetery purposes, except such lands and premises as are now used, or have been heretofore acquired for such purposes, and except also such land as may hereafter be acquired for such purposes by the White Plains Rural Cemetery Association on the north side of their present grounds in the said village.

§ 15. Section two of said title three of the said act is hereby amended so as to read as follows:

Police con-
stables,
appoint-
ment of.

§ 2. The board of trustees shall have power, and is hereby authorized to appoint at any time police constables not to exceed seven in all, except as hereinafter provided, one of whom shall be designated by said board as chief constable, with such power and authority over the other police constables as the said board may prescribe, who shall hold their offices during the pleasure of the said board, and per-

form the duties of patrolmen and watchmen in said village, and such other duties as shall be assigned to them from time to time by said board, and they shall be entitled to such compensation for the time they or either of them shall be in actual service as the said board shall prescribe; and the said police constables are hereby authorized and empowered to serve and execute any civil or criminal process, and to perform such other duties as appertain to the office of a constable of a town in the county of Westchester, with the same force and effect as a constable of a town in said county elected by the people. The said board is also hereby authorized and empowered on the application in writing of any person residing in, or corporation, bank, banking institution or cemetery association, located and doing business in said village to appoint one or more special police constables for such time as may be requested in said application, or said board shall determine upon whose duty it shall be to perform the duties of patrolmen, and watchmen in around and over the property and place of business of such person, corporation, bank, banking institution or cemetery association, and to prevent the property aforesaid from being stolen, injured or otherwise unlawfully interfered with by any person or persons; and said special police constable or constables while in actual service shall have the same powers to arrest without process as are conferred upon police constables by this act, and shall be entitled to such per diem compensation for the time he or they shall be in actual service as the said board shall determine upon at the time of making the appointment, such compensation to be paid by the person, corporation, bank, banking institution or cemetery association applying for the appointment of said special police constable or constables, and if such person, corporation, bank, banking institution or cemetery association shall refuse to pay such compensation to said special police constable or constables, he or they are authorized to sue for and recover such compensation with costs from any such person, corporation, bank, banking institution or cemetery association. And whenever the said board shall have reason to apprehend a breach of the peace or shall deem it necessary for the preservation of the public peace, or to quell and prevent any disturbances, riots and disorderly and unlawful assemblages and meetings in said village, to increase the police force, the said board is hereby authorized and empowered to appoint as many special police constables as said board shall deem necessary, for such time as said board shall determine upon, who while in actual service shall have and possess the same powers to arrest, with or without process, as are conferred upon police constables by this act, and who shall receive such per diem compensation while in actual service as said board shall prescribe, such compensation to be paid by the said village. The said board shall also appoint the clerk, treasurer and collector of taxes and assessments of said village who shall hold their respective offices during the pleasure of said board.

Compensation.

Their powers.

Special police constables for banks, etc.

Their powers.

Compensation, how paid.

Special police constables to quell riots, etc.

Their powers and compensation.

Appointment of clerk, treasurer and collector.

§ 16. Section three of said title three of the said act is hereby amended so as to read as follows:

§ 3. The board of trustees shall hold a meeting for the transaction of public business on the first Monday of each month. In the absence of the clerk, it may appoint any person to perform his duties for the time being. A majority of the trustees shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time, and compel the attendance of absentees. The board of trustees shall be the sole judge of the election and qual-

Monthly meetings.

Quorum.

Board to be judges

of the
election of
its mem-
bers, etc.

ifications of its own members, shall prescribe and determine the rules of its own proceedings, and shall have power to make, enact, ordain, publish, amend, and at pleasure repeal all such ordinances not contrary to the laws of this state as may be necessary to compel the attendance of absent members.

§ 17. Section four of said title three of the said act is hereby amended so as to read as follows :

Ordi-
nances,
etc.

§ 4. The said board of trustees is hereby authorized and empowered to make, enact, publish, ordain, and at pleasure, alter, modify, amend and repeal all such ordinances, resolutions, rules and public regulations not inconsistent with the laws of this state as may be necessary to carry into effect the powers given to said board of trustees or other officers elected or appointed pursuant to this act, and to enforce observance of all rules, regulations, resolutions and ordinances made in pursuance of this act by imposing penalties on any person or corporation violating the same, not exceeding in any one case of violation one hundred dollars to be recovered with costs in a civil action in any court having cognizance thereof. Every such ordinance, resolution, rule, or public regulation imposing a penalty for the violation of its provisions shall, after the passage and approval thereof by the president, be certified by the clerk, and published once a week for two weeks successively in a newspaper published in said village. Proof of said publication by the affidavit of the printer or publisher of said newspaper taken before any officer authorized to administer oaths, and filed with the clerk of said village, shall be evidence of, the legal publication of such ordinance, resolution, rule or public regulation. It shall be the duty of every person who shall collect or receive in any official capacity any moneys in payment or on account of any fines or penalties so imposed by the ordinances, rules, resolutions and public regulations of the said board of trustees to pay the amount so received within ten days thereafter to the treasurer of said village, and in default of such payment after notice and demand the person making said default shall be guilty of a misdemeanor. It shall be also the duty of every such person whenever required so to do by an ordinance or a resolution of said board of trustees to make oath in writing as to the moneys so collected or received by him, and to file the same with the clerk of said village.

Penalties
for viola-
tions.

Ordi-
nances im-
posing
penalties
to be pub-
lished.

Payment
of fines to
treasurer.

Oath as to
moneys
collected.

§ 18. Section five of said title three of said act is hereby amended so as to read as follows :

To pre-
scribe
duties of
officers.

Removal
of.

§ 5. The board of trustees is authorized from time to time to prescribe the duties of all officers elected or appointed by it, subject to the provisions of this act, and may remove such officers so elected or appointed at any time, except the president. The police justice shall be subject to removal only in the manner provided in section nine of title two of this act.

§ 19. Section six of said title three of the said act is hereby further amended so as to read as follows :

Arrest of
disorderly
persons.

§ 6. The president, trustees and the police constables of said village, or either of them, shall have power, and are hereby authorized at any and all times to arrest or cause to be arrested with or without process all persons who shall sell strong and spirituous liquors, ales, *and and wines within said village contrary to law, all habitual drunkards, all drunken persons, or persons found intoxicated in the highways, streets, avenues, alleys and public places in said village, all riotous persons engaged in quarrelling or fighting, and all persons who shall use

* So in the original.

indecent or profane language or indulge in rude, disorderly or violent conduct in any highway, streets, avenue, alley, public place, hall or room, or in any place where any exhibitions, shows, performances or lectures are being given or held within said village in addition to those persons enumerated in the first section of title five, chapter twenty of the first part of the revised statutes, all of whom shall be deemed disorderly persons; and the said officers shall have power with or without process while in pursuit of said disorderly persons to enter, or cause to be entered, any building, or place within the limits of said village, and arrest or cause to be arrested such disorderly persons, and shall take them forthwith before the police justice of said village to be dealt with according to the provisions of this act. In case the said police justice cannot be found, then the officer arresting such offender may detain him or her in custody or commit him or her to the county jail or any other convenient and secure place for safe keeping until said police justice can be found not to exceed forty-eight hours, when the officer shall immediately bring such offender before the said police justice or in his absence before a justice of the peace residing in said village to be tried as hereinafter provided; said officers shall have power to command assistance whenever they shall deem it necessary. The board of trustees shall as often as may be necessary designate a justice of the peace residing in said village to act as police justice in the absence or during the inability of the police justice to attend to his official duties.

Detention,
etc., of
persons
arrested.

Assist-
ance.

Designa-
tion of
justice, in
absence of
police
justice.

§ 20. Section seven of said title three of the said act is hereby amended so as to read as follows:

§ 7. When any person charged or complained against as a disorderly person under the provisions of this act shall be arrested and brought before the said police justice, such police justice shall proceed forthwith to hear, try and determine the complaint or charge on which such person is so arrested, without a jury, unless the defendant shall demand a jury; or said police justice may in his discretion adjourn the hearing or trial on cause shown, not to exceed five days, and in the mean time shall commit the accused to the county jail, or other convenient or secure place until such day or suffer him to go at large on his executing a bond with sureties approved of by said police justice conditioned that he will appear on said adjourned day, or remand him into the custody of the officer making the arrest; and upon the conviction of any such offender either by confession or competent testimony, the said police justice shall have power, and is hereby authorized to punish by fine not exceeding fifty dollars, or by imprisonment in the county jail of Westchester county not exceeding six months, or by both such fine and imprisonment.

Disorderly
persons,
how tried.

Adjourn-
ment,
commit-
ment, etc.

Punish-
ment.

§ 21. Title three of the said act is hereby amended by adding to said title the following section:

§ 8. The board of trustees are authorized to pay to said police justice or a justice of the peace acting as such in his absence and constables for official service rendered under the provisions of this act the same fees as are now or hereafter may be allowed by law to justices of the peace and constables for like services in towns.

Fees of
justices
and con-
stables.

§ 22. Section one of title four of said act is hereby amended so as to read as follows:

§ 1. The board of trustees are authorized and empowered to raise money by tax in addition to the amount authorized to be raised by section one, title five of this act, to be assessed upon the estates and

Power to
raise mon-
ey by tax
for certain
purposes.

Limita-
tions and
excep-
tions.

Addi-
tional tax
may be
authorized
by vote of
taxable in-
habitants.

property real and personal within said village, and to be collected from the several owners and occupants thereof for the purchase of any real or personal property for the use of the said village, and for the hiring of suitable rooms for the use of the said village, and to defray the ordinary and contingent expenses of the said village to an amount not exceeding one thousand dollars in any one year except as hereinafter provided, and except also such sum or sums as the board of trustees may deem necessary to be raised in said village, to pay the expenses of lighting the streets as hereinafter provided in this act, and except also such sum as may be necessary to pay the amount of any judgments which have been, or may be recovered against said village for damages to person or property. The said board may raise such an amount in addition to the aforesaid sums as shall be authorized by a vote of the majority of the taxable inhabitants of said village qualified to vote under this act present at a special meeting called for that purpose upon a petition signed by fifty residents and freeholders of said village. No such tax shall be voted to be raised at any such meeting unless notice shall be given by said board specifying the amount and object of such tax, which notice shall be published once a week for two successive weeks previous to such meeting, in a newspaper published in said village. The persons entitled to vote at such meeting may by resolution authorize the said board to raise by a general tax upon all the taxable property in said village such an amount or amounts as they may deem proper not exceeding the amount or amounts specified in such notice.

§ 23. Section two of said title four of the said act is hereby amended so as to read as follows :

Assess-
ment roll,
how made.

Certificate
to be at-
tached
and roll
delivered
to trust-
ees.

Notice of
meeting to
hear com-
plaints.

Hearing.

Trustees
may make
correc-
tions, etc.

§ 2. Whenever any tax shall have been directed to be levied upon the taxable property in the said village by the board of trustees, or whenever directed so to do by said board, it shall be the duty of the clerk of the said village to make up an assessment roll of the taxable property, real and personal, in the said village, by copying, or causing to be copied under his supervision, so much of the assessment rolls of each of the towns of White Plains and Greenburgh made and completed in the previous year, as relates to persons residing in, and property included and taxable within the village of White Plains. Upon the completion of the said assessment roll the said clerk shall annex thereto a certificate under his hand and the corporate seal of said village, that said assessment roll contains so much of the assessment rolls of the aforesaid towns of White Plains and Greenburgh, respectively, as relates to persons residing in, and property included and taxable within the said village of White Plains, and shall deliver the said assessment roll so certified by him to the said board of trustees, which board shall thereupon give ten days' notice to be published in a newspaper published in the said village to the effect that at a place, and on a day and hour to be therein specified, the said board will meet to hear any complaints which may be made in regard to the said assessment roll so made and certified by said clerk. The said board shall meet at said place and time and shall hear any such complaints which shall be reduced to writing and subscribed and sworn to by the parties making them, and filed with the clerk of said village. The said board shall have power in its discretion to correct in said assessment roll any palpable or manifest error it may find therein, as when there is a misdescription of property, or when property taxable in said village is omitted, or when property

taxable elsewhere is included in said roll, or when there has been a change of ownership since the assessment was made, or where there are manifest inequalities in the valuation of property therein; but it shall have no power to make a new assessment of property already appraised in said assessment roll, except that in cases of a destruction thereof, or a material injury thereto, by the elements, when the said board may reduce the amount of such assessment or assessments in such sum as it may deem just, and where there is a manifest inequality between two or more assessments the said board may in its discretion equalize the same as justice may require, and all corrections that may be made in such assessment roll shall be made with the view to having the same conform as nearly as may be possible to the state of facts as to assessable persons and property in said village existing on the said day set for hearing complaints in regard thereto. When the said board shall have completed the review, equalization, and correction of the said assessment roll, it shall cause to be rated and assessed on the taxable property contained in said assessment roll as reviewed, equalized and corrected by it, the taxes that shall have been, or may be directed to be levied upon the taxable property real and personal of the said village, for the then current year, and when the said taxes shall have been rated and assessed as aforesaid, the said board shall by resolution confirm the same, and thereupon deliver the said assessment roll to the collector of taxes and assessments of said village with its warrant under the hand of the president and the corporate seal of said village, directed to said collector commanding him to levy and collect the amount of taxes contained in said assessment roll in the same manner as warrants issued by the board of supervisors to the collectors of towns, and to make returns thereof, and pay over the money to the treasurer of the said village within thirty days after the receipt of such assessment roll by the said collector, or sooner if required by the said board; but the said board may within ten days after the time specified in said warrant for the return thereof extend the time for the collection of such taxes as shall not then have been paid for a further term not exceeding sixty days. For the purpose of enabling the clerk of said village to perform the duties required of him by this section, it shall be the duty of any town officer of the towns of White Plains and Greenburgh, respectively, in whose possession the assessment rolls of said towns, respectively, may be to deliver the same to the said clerk on demand.

When
board to
assess
taxes.

Delivery
of tax
roll and
warrant to
collector.

Extension
of war-
rant.

Duty of
town
officers.

§ 24. Section three of said title four of the said act is hereby amended so as to read as follows:

§ 3. The collector of taxes and assessments upon receiving a warrant for the collection of any tax shall proceed to collect the amount of such tax together with such fees or compensation for his services as the board of trustees by an ordinance shall have provided, not exceeding five per cent on the amount collected. The said collector shall possess the same powers and be subject to the same liabilities in the collection of any such tax as collectors in towns, so far as the same are not inconsistent with this act. The said collector shall pay to the treasurer from time to time the money received and collected by him after deducting his fees for making such collections, taking receipts for such payments. At the expiration of the time for the return of said warrant the said collector shall file the same together with the assessment roll with the clerk of said village. The said treasurer shall apply the money re-

Collector's
duties,
fees, etc.

ceived from said collector to the purposes for which the same was raised under the direction of the said board of trustees.

§ 25. Section four of said title four of the said act as amended by section four of chapter four hundred and nine of the laws of eighteen hundred and seventy-three is hereby amended so as to read as follows:

Return of
uncol-
lected
taxes.

Tax sale.

Proceed-
ings, when
to be dis-
continued.

When
lease to be
given to
purchaser.

Evidence.

Posses-
sion, how
obtained.

Certifi-
cates of
sale.

§ 4. Whenever any person or corporation upon whose estate or property shall be levied, imposed or assessed pursuant to the several provisions of this act, any tax, shall neglect or refuse to pay the same, and no personal property can be found whereon the said tax can be levied, the collector of the said village shall make return thereof to the board of trustees, who are authorized to cause the said tax so returned, with the accrued interest thereon, to be added to and made a part of the tax to be assessed on such estate or property for the succeeding year, and to be collected with the said tax so to be assessed; or the said board of trustees are authorized to cause the land or estate on which such tax or any tax authorized by this act is assessed, to be sold at public auction in the said village for a term of time for the payment of such tax, giving three weeks' notice of such sale by advertisement in any newspaper printed in the said village, which notice shall contain a brief description of the premises and the amount of the tax, requiring the owner or owners to pay the same by a day therein specified, and if such tax be not paid at the time and place specified in such notice, the real estate or premises so advertised shall be sold under the direction of the board of trustees, by the collector of the said village or some other person for that purpose appointed by the board of trustees, to the person who shall offer to take it for the shortest term of time, for the payment of such tax and the interest thereon, and the expenses of such notice and sale. The proceedings shall be discontinued at any time before the sale, upon any person paying to the treasurer of said village the amount of such tax, the fees and expenses, with the interest and printer's bill; and if the premises are sold, two dollars in addition to the interest and printer's bill, may be charged to the expenses of such sale, and if the premises are not redeemed within one year from the day of such sale, the board of trustees shall cause to be executed to the person or persons entitled thereto a lease of the premises so sold under the corporate seal and signed by the president of the said village for the time being, for the term for which the same were sold, to be computed from the expiration of one year from the day of such sale, which lease shall be presumptive evidence that such tax was legally imposed and of the regularity of the proceedings and sale, for which lease the board of trustees may charge the sum of two dollars, on the delivery thereof to the purchaser; and such lessees, his, her or their legal representatives or assigns, may, by virtue of such lease, obtain possession of such premises in the manner prescribed by law in relation to persons holding over real estate sold under execution, and shall and may lawfully have, hold and enjoy such premises, during the time specified in such lease, against the owners thereof and all persons claiming under them, and shall be at liberty, within thirty days after the expiration of such term, to remove all buildings and fixtures put on said lands and premises during said term in the right of such occupancy. Certificates of such sale may be issued under the corporate seal and signed by the president of the said village for the time being, setting forth the facts and circumstances of said sale, and the time at which such purchaser will be entitled to such lease, and delivered to such purchaser.

§ 26. The said title four of the said act is hereby amended by adding thereto, and making a part thereof as section eight the following, namely :

§ 8. The board of trustees is hereby authorized and empowered by resolution to issue certificates of indebtedness to raise moneys to meet deficiencies which may arise in the collection of taxes or assessments for local improvements, which have been heretofore, or may hereafter be levied, assessed, or imposed in accordance with the provisions of the existing charter of said village, or of this act, and for no other purpose whatever. Such certificates shall be issued in such amounts as may be authorized by such resolution, not in excess of the amount of taxes, or assessments uncollected, and shall bear interest not exceeding the rate of seven per cent per annum payable semi-annually, the principal payable at the expiration of one year from the date thereof; but said certificates may be redeemed at any time previous thereto when there is money in the treasury, received from persons owing arrears of taxes, or assessments. No moneys received from arrears of taxes or assessments shall be used for any other purpose. Such certificates shall be signed by the president and clerk of said village, and shall have the corporate seal thereof affixed thereto. A record shall be kept of the number, date and amount of each certificate issued as aforesaid, by the clerk of said village, and no such certificate shall be sold for less than its par value; nor shall any brokerage or commission be paid or allowed for the sale of such certificates.

Trustees may issue certificates of indebtedness for deficiencies.

Record to be kept.

§ 27. Section one of title five of the said act is hereby amended so as to read as follows :

§ 1. The said village is hereby declared a separate road district, exempt from the superintendence and control of the commissioners of highways of the towns of White Plains and Greenburgh, and the board of trustees shall possess all the powers given by law to commissioners of highways of towns within the said village, and the charges and expenses of making, working, repairing and improving all roads and avenues, declared public highways, and of making, altering, repairing and improving bridges upon or over the same in said village, shall be raised by tax upon the taxable inhabitants and property of said village in the same manner as ordinary and general taxes, and the said board shall be under the same obligations to keep said roads and bridges in repair, and be subject to the same liabilities in respect thereto as commissioners of highways, and such taxes can be raised by the said board without any vote in addition to the several sums allowed by section one of title four of this act not exceeding the sum of three thousand dollars for any one year for the purposes of this section prescribed, unless authorized to raise a larger sum by a vote of the taxable inhabitants of said village. One thousand dollars of the aforesaid sum shall be annually expended in macadamizing some portion of the streets of said village. No inhabitants residing in said village shall, however, be entitled to vote at any town meeting in either of said towns for the office of commissioner of highways nor on any proposition to raise money by tax for the repairs of roads and bridges in said towns located outside of said village, or for the construction of the same. All property in the said village shall be hereafter exempt from any taxation or assessment for opening, laying out, maintaining, erecting or repairing of any highways, roads, and bridges in either of said towns which are situated outside of said village.

Village to be a separate road district.

Powers and obligations of trustees therein.

Inhabitants not to vote for town commissioner of highways, etc. Exemption from town road tax.

§ 28. Section twenty of said title five of the said act is hereby amended so as to read as follows :

Proceedings on application to alter grade of streets, etc.

§ 20. The trustees shall have power on the written application of one-third of the parties interested, in the manner hereinafter provided, to alter the grade of any street or avenue, after the same shall have been previously established by said trustees, in all or any part thereof, provided that before finally determining to make such alterations they shall cause a profile, showing the intended alteration, to be made and placed in the office of the clerk for public inspection, and shall cause a notice to be published in a village newspaper once in each week, for two consecutive weeks, setting forth their intention to make such alteration, and requiring all persons interested therein to present their objections in writing to the board of trustees at a time and place to be mentioned in said notice, after the expiration of two weeks from the first publication thereof. After the expiration of the time named in said notice, the board of trustees may, by the affirmative voice of two-thirds of all the members, alter such grade.

§ 29. Section twenty-two of said title five of said act is hereby amended so as to read as follows :

Trustees may, upon petition, lay out streets heretofore ceded or dedicated.

§ 22. Whenever any street, avenue or alley, shall have been theretofore laid out through any lands in said village by the owner or owners of the lands through which the said street, avenue or alley shall pass, and the same voluntarily and in legal form ceded or dedicated to public use as a street or highway by the said owner or owners, so that the same can be legally accepted and taken by the trustees of said village as a street or highway, the said trustees on the petition of any party or parties owning land fronting on the same, may and it shall be lawful for them to lay out and open said street, avenue or alley, so in proper form ceded or dedicated in fact or by implication of law as aforesaid, without the appointment of commissioners as provided for in section four of this title, and the said board of trustees shall have the power to declare the same legally laid out and opened as a public street or highway. Before acting, however, on such petition, the said trustees shall give public notice of the said application or petition in a newspaper published in said village, once a week for two successive weeks ; describe the said street, avenue or alley, so sought to be laid out and opened, and shall state the time when the said trustees will proceed to act upon the prayer of said petition ; and unless a remonstrance, signed by a majority of the owners of land on the line of said street, shall be presented to the said trustee on or before the time in said notice specified, the said trustees shall then be at liberty at any time thereafter within one year to lay out and open said street, avenue or alley, and to declare by resolution under the corporate seal of said village and the hand of the president and clerk thereof, the said street, avenue or alley laid out and opened, and the same thenceforward shall become a public street or highway. Nothing, however, in this section contained, shall make it obligatory upon the said trustees to lay out or open said street, avenue or alley, if in their judgment at that time there shall be no necessity for the same, and action upon the said petition can be postponed by said board of trustees until such time as the said trustees shall see fit to act upon the same, not exceeding one year.

Notice of meeting to act upon application.

May, by resolution, declare street opened to public.

§ 30. Section twenty-three of said title five of the said act is hereby amended so as to read as follows :

Construction and repairs of sidewalks, etc.

§ 23. It shall be the duty of the owners or occupants of lands fronting on any of the streets or avenues in said village to construct, relay, and keep in repair the sidewalks, curbstones and gutters in front of

their respective lots in such manner, at such time, and of such materials as the said trustee may by a by-law, resolution or ordinance for that purpose legally direct ; and if any such owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks, curbs and gutters opposite to or fronting on the lot or lots owned or occupied by him as aforesaid, when so directed to do by the trustees as aforesaid, then in either case it shall be lawful for the trustees to cause such sidewalks, curbs and gutters to be so constructed, relaid or repaired, for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such repair, relaying, or construction, and all sums so expended upon sidewalks, curb and gutters, after being audited by a vote of the board of trustees, shall be a lien or tax to that amount upon every such lot, and thereupon it shall be lawful for the said board to issue to the collector of taxes and assessments their warrant, returnable in thirty days, for the collection thereof, out of the goods and the chattels of the persons legally liable to pay the same, and if such warrant shall be returned unsatisfied in whole or in part, to advertise and sell such lot in the manner prescribed in titles four and five of this act, as in case of sale for the non-payment of assessments and taxes, by the Revised Statutes in like cases, and the purchaser or purchasers, owner or owners, and his, her or their legal representatives shall have the same rights and privileges as are given to them respectively in and by said titles. The aforesaid warrant shall be under the corporate seal of said village, and signed by the president thereof, and may be renewed in the same manner as hereinbefore provided for the renewal of a warrant for the collection of taxes. A warrant issued for the collection of assessments for any of the improvements authorized by this act may be issued and renewed in the same manner as provided for warrants for the collection of taxes.

Trustees
to make
repairs,
etc., if
owners
neglect.

Expense
thereof, to
be a lien.
How col-
lected.

§ 31. Section two of title seven of the said act is hereby amended so as to read as follows :

§ 2. The first process in any such action brought before the police justice of said village or before a justice of the peace may be by his summons, or civil warrant, and execution may be issued immediately on the rendition of judgment. If the defendant in any such action for a penalty has no goods or chattels, lands or tenements, whereof the judgment can be collected the execution shall require the defendant to be imprisoned in the common jail of Westchester county for a term to be fixed by said police justice or justice of the peace not exceeding sixty days.

First pro-
cess, a
summons
or war-
rant.

Imprison-
ment for
non-
payment
of judg-
ments.

§ 32. Section four of title seven of the said act is hereby amended as so to read as follows :

§ 4. All oaths or affidavits which are required or authorized by this act may be taken before the president of said village ; but the said president shall not be entitled to receive any fee for administering such oath.

Oaths or
affidavits.

§ 33. Section seven of said title seven of said act is hereby amended so as to read as follows :

§ 7. All ordinances, resolutions, rules, and regulations adopted or passed by the board of trustees pursuant to the existing charter, shall be as valid and effectual as if adopted or passed under the provisions of this act, until the same shall be amended or repealed by the said board.

Validity
of ordin-
ance, etc.

§ 34. Section nine of said title seven of the said act is hereby amended so as to read as follows :

Public
notices.

§ 9. In cases requiring public notice to be given in this act, and the manner of giving said notice is not specially prescribed, the same may be given by posting such notice in at least ten public places in said village or ward, and in cases where such notice may be required to be signed or given by the trustees the said notice shall be valid and sufficient if signed or given by a majority of the trustees elected to the board, and when a notice is required to be given by the board of trustees it shall be valid and sufficient if signed by the president and clerk of said village.

§ 35. Section ten of title seven of the said act is hereby amended so as to read as follows :

Taxes, va-
lidity of.

§ 10. All taxes which have been heretofore made, imposed, laid, levied, assessed or confirmed in accordance with any of the provisions of the act mentioned in the title of this act, or in accordance with any of the provisions of the laws of this state authorizing the levying or collection of taxes of village incorporations, and all taxes which shall hereafter be made, imposed, laid, levied, assessed or confirmed, in accordance with any of the said provisions or with any of the provisions of this act, shall be legal and valid, and all the acts of the trustees or the board of trustees of said village, elected under the provisions of the act mentioned in the title of this act, are hereby ratified and confirmed.

Acts of
trustees
confirmed.

§ 36. Section eleven of the said title seven of the said act is hereby amended so as to read as follows :

Work,
how to be
done.

§ 11. All work under the direction of the board of trustees of said village, including the working and repairing of the highways, whenever and wherever practicable, shall be done by contract by the lowest responsible bidder therefor, and the said board is hereby authorized and required to procure such estimates and bids for such work, and to make the necessary contracts therefor, provided, however, that this section shall not apply to the repairing of bridges and sidewalks.

§ 37. Section twelve of said title seven of the said act is hereby amended so as to read as follows :

Trustees
may estab-
lish separ-
ate lamp
districts.

§ 12. The board of trustees of the said village shall have the power to establish by ordinance separate lamp districts within said village. Whenever a petition is presented to the said board for establishing any lamp district, signed by one-third of the persons owning real estate situated within the limits of said proposed district, or residing therein and liable to be assessed for personal property therein, the said board shall cause notice to be published in one of the newspapers published in said village that such application has been made, and of the time and place when it will proceed to act on the said petition which time shall not be less than twenty days from the first publication of said notice, which notice shall be published once in each week for two weeks successively, and unless a remonstrance signed by a majority of the persons who will be assessed, shall be presented to the said board on or before the day specified in said notice, and if the said board shall deem the application proper, it may on the day specified in said notice, or as soon thereafter as may be, by resolution or ordinance create and establish such lamp district. Such petition shall accurately describe the limits of such proposed lamp district, and when the said petition is presented to the said board it shall have power to correct any inaccuracies or imperfections that may be in such description of said proposed district, or may alter the same where

Notice to
be pub-
lished.

Power of
trustees to
establish.

Petition,
contents
of.

justice seems to require it. In giving notice of the pendency of such application a description of the proposed district as corrected and altered by the said board (if any corrections or alterations shall have been made therein) shall be inserted in, and form part of such notice, together with the number of lamps which the said board proposed to erect in such lamp district, their proposed distance apart from each other, their probable cost and the probable annual expense of maintaining and lighting the same, and the said board shall have the power to increase such number of lamps in any such lamp district, by a vote of two-thirds of all its members. In case any such separate lamp districts are created and established by the said board the money required for the erection, support and maintenance of lamps within such separate lamp district shall be thereafter annually raised by tax to be assessed on, and become a lien upon; and be collected from the real estate within said district, and the personal property of such persons as reside, and are assessed in said district, in the same manner as near as may be as by title four of this act is prescribed for the assessment, levying and collecting of taxes within the village limits; but the same shall be assessed and collected by and upon a separate assessment roll as to each lamp district, and by separate warrant, and by separate proceedings from the collecting of general taxes, and such assessment roll of the taxable property of said lamp district shall be made up from the annual assessment roll of taxable property in said village as made and completed as provided by said title four of this act, and the same shall be confirmed by the said board and the tax levied, assessed and collected in the same manner as provided in and by said title four for the collection of the general taxes in said village. Such lamp districts may be enlarged by annexation of contiguous territory on petition of one-third of the persons owning real estate situated within the territory proposed by such petition to be added thereto, or residing therein and liable to be assessed for personal property therein, in the same manner as hereinbefore provided for the first establishment of such district, and the expense of erecting lamps in such additional territory shall be levied and assessed upon, and collected from the taxable property as hereinbefore specified within such additional territory in the same manner as hereinbefore provided for the expense of erecting lamps in the first established district, and the expense of maintaining and lighting such lamp district shall be defrayed by a general tax upon the whole of said district as enlarged. The board of trustees shall have the power whenever in its discretion it shall deem it proper to do so by resolution or ordinance to consolidate any two or more of the separate lamp districts so as to make of all or any number of the lamp districts of the said village, only one district, the expenses of maintaining which shall be defrayed by a general tax on the whole consolidated district. Until the creating and establishing of separate lamp districts by the said board of trustees as hereinbefore provided the lighting of the streets of said village shall be a charge upon the taxable property in said village, and the expenses already incurred and to be incurred therefor shall be assessed, levied and collected as other general taxes are by this act directed to be levied, assessed and collected.

§ 38. Section fourteen of title seven of the said act is hereby amended so as to read as follows:

§ 14. All taxes in said village shall be assessed and collected in conformity, as far as practicable, with the provisions of law in respect to

Notice
what to
contain.

Increase in
number of
lamps.

Moneys,
for erec-
tion, etc.,
how raised
and col-
lected.

Assess-
ment roll.

Enlarge-
ment of
lamp dis-
tricts.

Expense.

Consolida-
tion
of lamp
districts.

Expenses.
for light-
ing streets
until dis-
tricts are
estab-
lished.

Applica-
tion of
general
tax laws.

the assessment and collection of taxes by town assessors and collectors, so far as the same are not inconsistent with the provisions of this act.

Term
"trustees"
defined.

§ 39. All acts or parts of acts relating to the village of White Plains, wherever the word "trustees" is used, shall hereafter be deemed and construed to mean, "board of trustees" as constituted by this act.

§ 40. This act shall take effect immediately.

CHAP. 180.

AN ACT to legalize and confirm the official acts of Norman M. F. Clute, William Marsh, and F. T. Pierson, justices of the peace of the town of Rotterdam, in the county of Schenectady.

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts of
justices
of the
peace con-
firmed.

SECTION 1. All the official acts and proceedings by Norman M. F. Clute, William Marsh and F. T. Pierson, as justices of the peace, in and for the town of Rotterdam, in the county of Schenectady, in the appointment of town officers March eleventh, eighteen hundred and seventy-eight, namely: Supervisor, James Turnbull; assessor, Anthony Wallard; overseer of poor, Martin Shaver; collector, David Lambert; trustees, Elias Van Wormer; inspectors of election, William Weller, Jacob T. Swart, John Van Valkenburgh, William Lambert, Simeon Fairlee; excise commissioner, Nicholas Van Vorst; constables, Thomas J. McCue, Aaron S. Wemple, are hereby legalized and confirmed, and shall have the same force and validity as if the said justices of the peace had made the foregoing appointments within the time required by law.

§ 2. This act shall take effect immediately.

CHAP. 181.

AN ACT to extend the time for the collection of taxes in the county of Rockland.

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
extended.

SECTION 1. The time for the collection of taxes now levied and uncollected in the county of Rockland is hereby extended to the fifteenth day of June next, provided that the collectors for said county shall pay over the money already collected by them, and renew their bonds with sureties to the satisfaction of the supervisors of their respective towns, and in such case the warrant shall continue in full force and effect until said fifteenth day of June. But nothing herein authorized

Proviso.

shall be construed as extending the time for the payment of the state tax or any part thereof by the county treasurer of said county to the comptroller as now provided by law.

§ 2. This act shall take effect immediately.

CHAP. 182.

AN ACT to legalize the proceedings of the electors of the town of Fowler, St. Lawrence county, in annual and special town meetings assembled on the twelfth and twenty-sixth days of February, eighteen hundred and seventy-eight, in relation to the raising of money for the improvement of certain roads.

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the proceedings of the electors of the town of Fowler, St. Lawrence county, in annual and special town meetings assembled on the twelfth and twenty-sixth days of February, eighteen hundred and seventy-eight, as relates to the raising of money by tax on the taxable property in said town, for the improvement of certain roads designated in such proceedings, and the appointment of commissioners to expend such moneys is hereby legalized and confirmed.

Certain
proceed-
ings of
electors
legalized.

§ 2. This act shall take effect immediately.

CHAP. 183.

AN ACT to amend chapter seven hundred and two of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of Little Falls."

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter seven hundred and two of the laws of eighteen hundred and seventy, entitled "An act to amend the charter of Little Falls," is hereby amended so as to read as follows:

§ 2. Subdivision sixteen of section twenty-nine of said act is hereby amended so as to read as follows:

16. To prohibit hawking and peddling merchandise and the retailing of the same from carts, wagons or other vehicles within the corporate limits of said village, and the sale by retailing or auction of goods or merchandise by any traveling or transient vendor or vendors, or his, her or their agent or agents; and also to prohibit the exhibition for gain or profit of a puppet show, wire or rope dancing, jugglery, circus, menagerie or any other theatrical exhibition, or any natural or artificial curiosity, except upon license expressly granted;

To pro-
hibit or
license
peddling,
etc.

Exhibi-
tions.

Licenses,
how
granted.

Proviso.

which license may be granted by the president in his discretion, subject to such limitations as to the duration thereof, and the amount to be paid therefor, as the trustees may prescribe by ordinance. And in the absence or inability of the president to act the chairman of such committee as the trustees shall designate by ordinance, shall have the same authority to grant such license as is hereby given to the president. Nothing herein contained shall prevent any farmer or gardener from disposing of the merchandise or produce of their farms or gardens.

§ 2. This act shall take effect immediately.

CHAP. 184.

AN ACT to extend the time for the completion of a railroad authorized to be constructed by "An act to authorize the construction of a railroad from, at or near Bath ferry, in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer," passed May fourteenth, eighteen hundred and seventy-five.

PASSED April 26, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
completion
extended.

SECTION 1. The time for the completion of the railroad authorized to be constructed by an act entitled "An act to authorize the construction of a railroad from, at, or near Bath ferry in the town of North Greenbush, to Douw's Point, in the town of East Greenbush, in the county of Rensselaer," is hereby extended for the period of five years from the time now fixed by law for the completion of the same.

§ 2. This act shall take effect immediately.

CHAP. 185.

AN ACT to legalize the proceedings of the school commissioner of the second commissioner district of the county of Onondaga, in the formation of school district number twenty-nine, in the town of Onondaga, in said county.

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of
school
commis-
sioner
legalized.

SECTION 1. The action of James W. Hooper, school commissioner of the second commissioner district of the county of Onondaga, taken in pursuance of decision, number two thousand six hundred and twenty, of the department of public instruction, and the proceedings had by him thereunder in forming the incorporated village of Danforth into a separate school district, to be known as

school district number twenty-nine in the said town of Onondaga, are hereby, in all respects, legalized and confirmed. Nothing in this act Proviso. contained shall be construed to affect the question of costs or any legal rights in any litigation now pending upon the question of the formation of said school district.

§ 2. This act shall take effect immediately.

CHAP. 186.

AN ACT in relation to the city court of Yonkers.

PASSED April 26, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

TITLE I.

JURISDICTION.

SECTION 1. The city court of Yonkers is a court of record, whose jurisdiction extends to the following civil actions :

Jurisdic-
tion.

1. An action against a natural person, or against a foreign or domestic corporation, wherein the complaint demands judgment for a sum of money only, or to recover one or more chattels, with or without damages for the taking, withholding or detention thereof.

2. An action to foreclose or enforce a lien upon real property in the city of Yonkers, created, as prescribed by statute, in favor of a person who had performed labor, or furnished materials to be used in erecting, altering, or repairing a building, building lot or appurtenance thereto, including fences, sidewalks, paving, wells, fountains, fish ponds, ornamental and fruit trees, and every other improvement to a building or building lot.

3. An action to foreclose or enforce a lien for a sum not exceeding one thousand dollars, exclusive of interest, upon one or more chattels.

§ 2. The jurisdiction conferred by the preceding section, in any action commenced in said city court, is subject to the following limitations and regulations :

Limita-
tions and
regula-
tions of
jurisdic-
tion.

1. In an action wherein the complaint demands judgment for a sum of money only, the sum, for which judgment is rendered in favor of the plaintiff, cannot exceed one thousand dollars, exclusive of interest, and costs as taxed ; except where it is brought upon a bond or undertaking, given in an action or a special proceeding in the same court, or before the city judge. Where the action is brought upon a bond or other contract, the judgment must be for the sum actually due, without regard to a penalty therein contained ; and where the money is payable in installments, successive actions may be brought for the installments as they become due.

2. In an action to recover one or more chattels a judgment cannot be rendered in favor of the plaintiff for a chattel or chattels, the aggregate value of which exceeds one thousand dollars.

3. The court has not jurisdiction of an action against an executor or administrator in his representative capacity.

4. The court has not jurisdiction of any action unless one of the parties thereto resides in the city of Yonkers, or in a town of Westchester county, adjoining that city; or a warrant of attachment is granted to accompany the summons and levied upon property of the defendant within that city; or the action be for the recovery of a statutory penalty or penalties by the city of Yonkers, or any of its officers or boards of commissioners.

Jurisdiction
in special
proceed-
ings.

§ 3. The jurisdiction and power of said court in special proceedings is the same within the city of Yonkers, as is by law conferred on the county court of Westchester county, within said county, except that the said city court has no appellate jurisdiction.

Attend-
ance of
witnesses,
how com-
pelled.

§ 4. The said court shall have power to issue process of subpoena, and thereby to require the attendance of witnesses residing or being in any part of this state, to testify in any matter, proceeding or action before said court, and also to issue attachment to bring into court from any place where they shall be found, any such witnesses who shall have failed to obey the requirements of any such subpoena.

Summons
where to
be served.

§ 5. The summons in an action brought in the said court may be served at any place within the county of Westchester, but not elsewhere.

Actions
before
justices of
the peace
in the city
of Yon-
kers, how
removed
into city
court.

§ 6. In any action commenced before a justice of the peace within the city of Yonkers, the justice before whom such action shall be pending, upon the application of the defendant in such action, shall make an order removing such action at any time after issue joined, and before trial, into the city court, upon the said defendant executing to the plaintiff an undertaking in a penalty not exceeding two hundred dollars, with one or more sufficient sureties, to be approved by the city judge of Yonkers, or by the justice before whom such action is pending, conditioned to pay to the plaintiff the amount of any judgment that may be awarded against the defendant by said city court in such action, and thereupon the said city court shall have the same jurisdiction in said action, as though the same had been originally *been brought in said city court. It shall be the duty of such justice of the peace to file said order, and the pleadings or copies thereof in said action, in the office of the clerk of the city court.

TITLE II.

• OF THE CITY JUDGE.

City
judge.

Powers
and
jurisdic-
tion.

§ 7. The city judge shall be the judge of the city court of Yonkers, and shall have and possess all the powers and jurisdiction heretofore conferred upon him. He shall have, within the city of Yonkers, the powers of a justice of the supreme court at chambers, and all the powers which the county judge of Westchester county hath by law, within said county. He shall also have the same jurisdiction and power as a justice of the peace of towns.

TITLE III.

REMOVAL OF CAUSES FROM THE CITY COURT.

City
judge in-
compe-
tent,
cause to be
trans-
ferred.

§ 8. If it shall at any time appear by affidavit that the city judge is legally incompetent, incapacitated, or forbidden by law to sit upon the trial or hearing of any action or special proceeding pending

*So in the original.

in the city court or before him, on notice to both parties an order shall be granted and entered with the clerk of said court, removing such action or special proceeding to the county court of Westchester county, or to the county judge of said county, as may be proper, which order shall specify the cause and reason for making such removal, and a certified copy of such order must be filed in the office of the clerk of Westchester county, and thereupon it is removed into said county court, or before said county judge as provided in such order, and the subsequent proceedings therein must be the same, as if it had been originally brought in said county court or before said county judge, except that the costs recovered by the successful party shall be costs only as might have been recovered in the city court or before the city judge.

§ 9. The supreme court may by an order made at any time after joinder of an issue of fact and before the trial thereof, remove to itself an action or special proceeding pending in the city court, for the purpose of changing the place of trial or hearing thereof. A certified copy of the order must be filed in the office of the clerk of said court, and thereupon it is removed into the supreme court; and the subsequent proceedings therein must be the same as if it had been originally brought in the supreme court.

Supreme court may order causes removed to it.

§ 10. An order for the removal of an action or special proceeding, as prescribed in the last section, can be made only upon notice and at special term of the supreme court held within the second judicial district, and in a case where an order, changing in like manner the place of trial or hearing would be granted if the action or special proceeding was pending in the supreme court.

When and in what case order to be made.

§ 11. An appeal from an order made upon such a motion must be taken and heard in like manner, as if the action or special proceeding was pending in the supreme court, and triable in the county of Westchester. Such an appeal from any order, made upon such a motion, brings up to the general term, and thence to the court of appeals (if the order is appealable to that court) all questions which were before the special term, and the appellate tribunal must dispose of the same as if they were originally presented to it.

Appeal from order of removal.

§ 12. An order to stay proceedings, for the purpose of affording an opportunity to make the application for removal, and a change of place of trial as aforesaid, may be made by any judge authorized to make an order to stay proceedings, either in the court where the action is pending, or in the supreme court, and with like effect and under like circumstances.

Stay of proceedings.

TITLE IV.

SUMMONS — PLEADINGS — PRACTICE — TERMS OF COURT, ETC.

§ 13. All actions brought in the city court of Yonkers shall be commenced by the service of a summons of like form as in the supreme court, except that the time specified in the summons, within which the defendant shall be required to answer the complaint, shall be six days instead of twenty days.

Actions, how commenced.

§ 14. A party to an action in said court may answer or demur to any pleading, or may reply to an answer within six days after the service of a copy of the pleading to which he answers, demurs or replies.

Time in which to answer or demur.

§ 15. The forms of process, pleadings and proceedings, and the manner of pleading and procedure prescribed by the Code of Civil

Form and manner of

process,
etc.

Procedure, for actions, proceedings and remedies in courts of record, shall be used in said city court, as near as may be, except as otherwise provided by this act.

Notice
of trial
and of
motion.

§ 16. A notice of trial shall be served at least five days before the day named therein as the day of trial, and a notice of motion shall be served not less than two days before the time named therein for a hearing, except where the notice is served by mail, in which case the notice of trial shall be not less than seven days, and the notice of motion not less than four days. The court or city judge may, however, by order prescribe a shorter time for such notices, for cause shown in any case.

How
placed on
calendar.

§ 17. When any motion shall be noticed for hearing, or action noticed for trial, a note of issue of such action or memorandum of such motion shall be filed with the clerk at least two days before the day of hearing or trial; and the clerk shall thereupon place the same upon the calendar for the day named. The same shall remain upon the calendar till heard, tried or otherwise disposed of by order of the court or said city judge.

Court,
when to be
open.

§ 18. The city court shall be open for the transaction of business every day, except Sundays and legal holidays, from half-past nine o'clock in the forenoon until the city judge shall order the adjournment of the same, and any motion in said court or before the city judge may be noticed for hearing for any such day. The city judge may by rule designate terms for the trial of issues in actions in said court, not less than one in each week, and any action in said court may be noticed for trial at any of such designated terms.

Trial
terms.

Discon-
tinuance,
when not
to be had.

§ 19. No process issued or suit or proceeding pending in said city court of Yonkers shall be discontinued by reason that the court shall not be held on any stated day, but such process shall be deemed returnable, and such suit or proceeding shall be deemed continued, and to the next day on which court shall be held.

Decisions,
when to be
rendered
and filed.

Conse-
quence
of neglect.

§ 20. In all cases tried before the city judge without a jury, he shall render and file with the clerk of said court his decision in writing, within twenty days after the same shall have been finally submitted to him for determination. Should he neglect or refuse to render the decision within that time, the action shall not abate, nor be deemed discontinued; but at any time after the lapse of said twenty days, and before the filing of such decision, either party may again notice the action for trial, and immediately file a note of issue and a new trial may thereupon be had.

May grant
new
trials and
open de-
faults.

§ 21. The said city court of Yonkers shall have power to grant new trials and open defaults in the same manner as such relief may be had in the other courts of record.

General
rules of
practice.

§ 22. The general rules of practice adopted pursuant to section seventeen of the Code of Civil Procedure shall apply to proceedings and actions in said court, as far as they may be applicable, and the city judge may make such other rules for said court as are not inconsistent therewith.

Motions
for judg-
ment.

§ 23. A motion for judgment on the answer and for like causes as allowed by the Code of Civil Procedure, may be made on a notice of not less than two days.

Mandates,
etc., to
whom di-
rected.

§ 24. Except the summons, every process and mandate shall be directed either to the sheriff of the county of Westchester, or to the marshal of the city court of Yonkers.

Code of
Civil Pro-

§ 25. The only modifications and limitations upon the application

and effect of the Code of Civil Procedure in relation to actions and proceedings in said court are the provisions of this act.

cedure,
how
affected.

TITLE V.

JURORS AND JURY TRIALS.

§ 26. Trial by jury shall be deemed and taken to be waived by the parties, unless such trial by jury shall be demanded at the first call of the action upon the calendar for trial after due notice of trial. But such jury trial having been demanded, may be afterward waived by the party demanding the same.

Jury trials.

§ 27. The party in whose favor a verdict shall be given by the jury shall, before the entering of judgment, pay to the clerk of the city court the sum of six dollars, which shall constitute a fund called jury fund, out of which jurors shall be paid, with the sheriff's or marshal's fees for summoning the jury.

Jury fund.

§ 28. It shall be the duty of the assessors of the city of Yonkers, on the first Monday of July in each and every year, to select from the names of those assessed on the last assessment roll of the city of Yonkers, all suitable persons to serve as jurors and otherwise qualified by law and not legally exempt. Duplicate lists of the persons so selected, with their respective additions, and places of residence, shall be signed by said assessors, and one of said lists shall be filed with the city clerk and one thereof shall be filed with the clerk of the city court. As soon as such list shall be filed with the clerk of the city court, the city judge shall give notice, by publication in the official city newspapers published in such city of Yonkers, that the jury list of said court has been filed, and that on a day and an hour named by him, not less than seven days after the publication of said notice, he will attend at the city court room to correct the same; and on such day he shall attend and receive evidence of exemption in the same manner as authorized in courts of record, and no juror who does not then furnish proof of a legal exemption shall thereafter be allowed to claim an exemption when he shall be drawn and summoned for jury duty. The names of persons found exempt by law shall be struck from the list, and the ground of exemption recorded. When the lists shall have been corrected and completed, they shall again be filed with the said city clerk, and the clerk of the city court respectively, and said clerk of the city court shall carefully write the names, additions and residence of each of said jurors, so remaining upon said list, upon ballots as near as possible of like size and color, writing one name on each ballot, and shall safely keep the same in a box to be prepared for that purpose.

Assessors
to make
jury list.

Duplicate
lists to be
made and
filed.

Notice of
filing list
and of
time for
hearing
evidence
of exemp-
tion.

Exempt
persons to
be stricken
from list.

Ballots to
be made
by clerk of
court.

§ 29. When the attendance of jurors in said city court shall be required, the said city judge shall publicly draw from said box the names of twenty-four of said jurors, in the presence of the clerk of the city court, and such others as may be in attendance; and the clerk of the city court shall enter the names thereof upon the minutes of the said city court, and the ballots drawn shall be destroyed.

Drawing of
jurors.

§ 30. The said city judge shall thereupon immediately issue his order in writing, either to the sheriff of the county of Westchester, or to the marshal of the city court of Yonkers, directing him to summon the persons so drawn to attend at the city court, at a time and place to be therein named, to try such cases as shall be given them in charge.

Jurors,
how
sum-
moned.

Jury,
how
drawn.

Attend-
ance.

Jurors
when to be
drawn
and sum-
moned.

Talesmen.

Clerk to
return
names of
jurors to
jury box
in certain
cases.

Jurors'
fees.

Certifi-
cate.

Fines for
non-
attend-
ance.

Remission
of fines.

Collection
thereof.

Any action for which a jury shall have been demanded, shall be tried before a jury of twelve men, to be selected from those so summoned, who attend in manner aforesaid, who shall be drawn therefor in the same manner as juries are drawn in other courts of record. Such jurors so summoned shall be required to attend for the trial of all actions in said court, the trials of which are commenced in not exceeding four successive days.

§ 31. Jurors in the city court of Yonkers shall be drawn at least six days before the day when they shall be required to attend, and shall be summoned and notified to attend, at least four days before the day when they shall be required to attend.

§ 32. The court may order the sheriff or marshal to summon from the bystanders, or from the city at large, so many persons qualified to serve as jurors as shall be sufficient, whenever a sufficient number of jurors duly drawn and summoned do not appear or cannot be obtained to form a jury.

§ 33. Whenever a panel of jurors shall have been drawn and summoned in said court, and shall thereafter be discharged, it shall be the duty of the clerk of said court to return to the jury box the names of all such jurors as shall not have been actually impaneled for the trial of an action, and when so returned to such box, they may again be drawn in the same manner as though such names had not been previously drawn therefrom.

§ 34. Every juror who shall actually sit on the trial of an action in the city court shall receive the fee of twenty-five cents, to be paid to him by the clerk of the city court out of the jury fund.

§ 35. Each juror who shall be actually impaneled, and shall sit as juror on the trial of any action in said city court, shall be entitled to a certificate, under the seal of said court, certifying to such fact, and such certificate shall exempt such juror from service as juror, in any court held in and for the county of Westchester, for the calendar year in which he shall have so served.

§ 36. When any juror shall be fined for non-attendance in said court, and an order shall have been entered, imposing such fine, it shall be the duty of the city judge of Yonkers and the clerk of the city court of Yonkers, to issue process under the seal of said city court of Yonkers to the marshal of the city court of Yonkers, or to the sheriff of Westchester county, commanding him to collect of the several persons named in the schedule thereto, to be annexed, the several sums of money set opposite their names respectively, and to pay over the same to the treasurer of the city of Yonkers, and at the time of collecting such fines to notify such persons respectively, that if they have good reason to show for remitting such fines they may show the same to the said city court on any day when the said court shall be sitting, and it shall also be the duty of such judge and clerk to annex to such process a schedule containing in separate columns: 1. The name of the persons fined; 2. Their respective residences; 3. The amount of fine imposed upon each, and 4. The cause of the fine—which schedule shall be certified by said judge and clerk to be correct abstracts of the several orders imposing such fines. The officer to whom such process is directed shall proceed to collect such fines respectively of the several persons named in such schedule by levy and sale of the personal property of such persons as upon executions against property in civil actions, and shall be entitled to collect the same fees; and in case such officer shall not find suffi-

cient personal property of any person so fined to raise the amount of his fine, he shall take the body of such person and detain him in custody, or commit him to the county jail until he shall satisfy such fine in the same manner as upon execution against the body in civil cases, and he shall be entitled for his services to like fees.

§ 37. Whenever the whole list of jurors whose names shall remain upon the jury list shall have been drawn for jury duty, the list may again be used in manner aforesaid, unless the assessors shall then have filed a new list. When jury list may be re-used.

TITLE VI.

OF THE MARSHAL.

§ 38. There shall be a marshal of the city court of Yonkers, who shall be appointed by the city judge, by his appointment in writing, to be filed with the city clerk, who shall, before entering upon the discharge of his duties, take, subscribe, and file with the city clerk the constitutional oath of office. He shall also execute an official bond, with at least two sufficient sureties, to be approved by the city judge, in which he and his sureties shall jointly and severally agree to pay each and every person who may be entitled thereto all such sums of money as the said marshal shall become liable to pay on account of any execution or attachment delivered to him. The said bond shall be filed with the city clerk, and may be prosecuted by any person who shall suffer any loss by reason of the default or doing of said marshal in the discharge of the duties of his office. The said marshal shall, in said court, perform the same duties as are performed by sheriffs in other courts of record, and shall have power to execute all process of said court in the same manner as the process in other courts of record are executed by the sheriff. He shall hold office during the pleasure of the city judge, and the city judge may, at any time, require him to file new bonds, and may suspend such marshal until such bonds are approved and filed. Marshal.

Official bond.

Duties of.

Term of office.

§ 39. All acts to be done and performed by *by the sheriff may be done by the marshal of the city court, and all moneys paid by the sheriff or marshal into court shall be paid to the city treasurer, to the credit of the action and subject to the order of the court. The marshal of the city court of Yonkers shall have and possess the same powers in relation to all matters and proceedings in the court of special sessions of the city of Yonkers, and be empowered to perform the same duties therein, as the sheriff of Westchester county, or any constable or policeman of said city. Marshal may perform duties of sheriff, etc.

§ 40. The said marshal shall be entitled to the same fees as the sheriff of Westchester county, for like services, to be paid by the party requiring such service. Fees.

§ 41. The marshal of the city court or the sheriff of Westchester county shall receive for summoning a jury the sum of two dollars, and for attending the court and jury in each case tried by jury, one dollar, which fees shall be paid by the clerk of the said court out of the jury fund. Fees for summoning jury, etc.

§ 42. Whenever the jury fund shall not be sufficient to pay the marshal's fees, for services hereafter rendered, which are payable out of such fund, the clerk of the city court of Yonkers shall certify to the Marshal's fees, how paid when jury fund insufficient.

*So in the original.

common council of the city of Yonkers the facts showing such deficiencies, and such common council shall cause to be paid from time to time, to the clerk of the city court of Yonkers, out of the city treasury, the amount of such deficiencies, as they shall occur.

TITLE VII.

OF THE CLERK — HIS FEES AND DUTIES.

Appoint-
ment and
salary.

§ 43. The clerk of the city court shall be appointed by the city judge, by his appointment in writing to be filed with the city clerk, and shall hold his office during the pleasure of the city judge. His salary shall be at the rate of six hundred dollars per annum.

Deputy
clerk.

§ 44. The clerk of the city court may appoint a deputy, who shall take the constitutional oath of office, and file the same in the city clerk's office, and may then perform the duties of clerk to the city court, in the absence or inability of the clerk to perform such duties, but he shall receive no fees or salary from the city.

Clerk's
fees.

§ 45. There shall be paid to the clerk of the city court the following fees: In all actions where the amount claimed in either pleading shall be fifty dollars or more, one dollar for every trial in said court, and one dollar for entering judgment; where the amount claimed shall be less than fifty dollars, there shall be paid to said clerk, fifty cents for every trial and fifty cents for entering judgment. The trial fee shall be paid before the action is placed on the calendar. For every transcript of judgment the clerk's fees shall be twenty-five cents.

What fees
to be paid
city treas-
urer.

Account
of fees.

§ 46. All fees or fines paid to the city judge or to the clerk of the city court, except jurors' fees, shall be paid over to the city treasurer to the credit of the city of Yonkers. The clerk of said court shall keep an account of all moneys received by him, and the same shall at all times be open for the inspection of the treasurer of the city of Yonkers.

Orders,
etc., to be
filed.

Docket-
ing judg-
ments.

Seal of
court.

§ 47. All orders, papers, undertakings and judgment rolls in actions in said court, shall be filed in the office of the clerk of said court.

§ 48. The said clerk shall keep in his office a judgment docket book, in which he shall docket all judgments rendered in said city court.

§ 49. The seal of the city court of Yonkers, now in use, shall continue to be the seal of said court, and shall be kept by the clerk of said court, in his office.

TITLE VIII.

COSTS.

Cost and
allow-
ances.

§ 50. The following costs and allowances shall be recovered by the prevailing party, in all actions, proceedings and appeals under this act:

1. In all actions, where in neither pleading the sum of fifty dollars or more, is claimed, the prevailing party shall recover his disbursements, and if tried, ten dollars costs for each trial thereof in said court.

2. In all other actions and proceedings in said court, the same costs and allowances as are provided by law in actions and proceedings in the supreme court, excepting term fees, shall be allowed to the prevailing party.

3. On the granting or denial of a new trial, or any motion in an action or proceeding, an amount not exceeding ten dollars may be allowed for costs of motion.

4. The appellant on reversal, and the respondent upon affirmance, or the dismissal of an appeal by the county court of Westchester county of a judgment of the city court of Yonkers or the city judge, shall be entitled to twenty-five dollars costs; and the prevailing party, on an appeal from an order, shall be entitled to ten dollars costs.

5. On appeal to the general term of the supreme court, or to the court of appeals, the prevailing party shall be entitled to the same costs as provided by law, on other appeals to such courts.

6. The prevailing party shall in all cases be entitled to his taxable disbursements.

§ 51. The clerk of said court shall, on two days' notice, adjust and tax the costs and disbursements of the prevailing party, and the amount shall be included in the judgment, but the same shall be subject to retaxation on motion to the city court.

Taxation
of costs.

TITLE IX.

OF TRANSCRIPTS — ENFORCEMENT OF JUDGMENTS.

§ 52. A transcript of the docket of any judgment of the city court of Yonkers, when issued by the clerk of said court under the seal of said court, may be filed in the office of the clerk of any county in the state, and such judgment shall thereupon be docketed in such county, and the same shall thereupon have the same effect, and may be enforced in the same manner, and the same proceedings may be taken thereon, with like effect in all respects, as if such judgment had been rendered in the supreme court, and first docketed in the office of the clerk of such county.

Transcript
of docket
of judgment,
filing and
effect
thereof.

§ 53. When a transcript of the docket of any such judgment shall be filed in the office of the clerk of Westchester county, and there docketed, the same may be enforced at the election of the judgment creditor, either by proceedings in the city court of Yonkers, or before the city judge, or by proceedings before the county judge of Westchester county, or in the county court of Westchester county.

Transcript
filed
and judgment
docketed
in Westchester
county,
how
enforced.

§ 54. Whenever an execution against property of a judgment debtor, upon a judgment rendered in said city court, shall be returned unsatisfied in whole or in part, by the sheriff of Westchester county, or by the marshal of the city court of Yonkers, and the debtor shall reside in the county of Westchester, the same proceedings may thereupon be had before the city judge of Yonkers, as could be taken before the county judge of Westchester county upon a judgment recovered in the county court of Westchester county, and upon the making in any such proceeding, by said city judge, of an order appointing a receiver of the property of the judgment debtor, a duplicate of such order shall be filed and recorded in the office of the clerk of Westchester county with a like effect as of a similar order of the county judge of Westchester county, in a supplementary proceeding wherein he had jurisdiction.

Proceedings
supplementary
to execution
before
city judge.

Order
appointing
receiver,
where to
be filed.

TITLE X.

APPEALS.

§ 55. In all cases tried before the city judge without a jury, if required by a party, appealing from the judgment rendered therein, the

Findings
of law and
fact.

city judge shall, within ten days after service upon him of a notice in writing, make and file with the clerk of the city court his findings therein of law and of fact, for the purposes of appeal.

Appeals.

§ 56. Appeals from the judgments and orders rendered, entered or granted, in the city court of Yonkers, or by the city judge of Yonkers, may be taken as follows :

Appeal, to what courts.

1. From judgments in actions where a recovery of less than two hundred dollars was demanded in the complaint and from orders made in such actions in the city court of Yonkers, or by the city judge of Yonkers, of the effect described in the subdivisions of section thirteen hundred and forty-seven of the Code of Civil Procedure, the appeals shall be to the county court of Westchester county. From judgments in actions where a recovery of two hundred dollars or more was demanded in the complaint, and from orders made in such actions in the city court of Yonkers, or by the city judge of Yonkers, of the effect described in the subdivisions of section thirteen hundred and forty-seven of the Code of Civil Procedure, and from an order affecting a substantial right made in a special proceeding by the said city court or said city judge, appeals may be taken to the general term of the supreme court in the judicial department in which the city of Yonkers is situated. No appeal from any judgment of the city court of Yonkers shall be taken in any case until a motion for a new trial shall have been made, and an order granting or denying the same shall have been entered and such motion may be made before or after judgment on the judge's minutes, or upon a case and exceptions.

Appeal from judgment when taken.

Notice of appeal.

2. All appeals provided for in this section must be taken by serving upon the attorney for the adverse party, and on the clerk of the city court of Yonkers, by filing in his office, a written notice to the effect that the appellant appeals from the judgment, or order, or from a specified part thereof; no security or undertaking shall be required to perfect an appeal from an order. To perfect an appeal in other cases except as specified in sections thirteen hundred and thirteen and thirteen hundred and fourteen of the Code of Civil Procedure a written undertaking must be executed on the part of the appellant by at least two sureties, to the effect that the appellant will pay all costs which may be awarded against him. Such undertaking shall be of no effect unless acknowledged and accompanied by the affidavit of the sureties that they are worth at least the sum of two hundred and fifty dollars, and a copy thereof served on the respondent and the original filed with the clerk; and the respondent may, within ten days, except to the sufficiency of the sureties, and, unless they, or other sureties justify on a notice of not less than five days before the city judge as prescribed in sections five hundred and eighty and five hundred and eighty-one of the Code of Civil Procedure.

Undertaking.

Exception to sureties.

Clerk to certify notice of appeal, judgment roll, etc.

3. Upon an appeal authorized by this section being taken and perfected, the clerk of the city court of Yonkers shall, at the expense of the appellant, forthwith certify and file with the clerk of the appellate court, a copy of the notice of appeal, judgment roll and case, if any made and settled (which case must be made and settled as cases on appeal are made and settled in the supreme court), or if the appeal be from an order, a copy of the notice of appeal, order appealed from, and of the papers upon which the order was granted.

Proceedings on appeal.

4. The appeal shall be heard upon the return thus filed, and the judgment or order appealed from may, by the appellate court, be affirmed, modified or reversed, as shall be just and proper, and when necessary and proper, a new trial may be granted.

5. The order or judgment of the appellate court shall be certified and remitted to the city court of Yonkers to be enforced, and judgment thereon with costs, if any, shall be entered in the city court of Yonkers only. Remittitur.

6. From the order or judgment of the general term of the supreme court, on appeals taken under this act, an appeal may be taken to the court of appeals, if allowed by the supreme court, by an order made at the general term, which rendered the determination, or at the next general term after judgment is entered thereupon. Such appeal shall be taken in the same manner as provided in the Code of Civil Procedure, for other appeals to the court of appeals. From the order or judgment of the county court of Westchester county, on any appeal to it, taken under this act, an appeal may be taken to the general term of the supreme court, in the same cases and in the same manner as provided by chapter thirteen, title three of the Code of Civil Procedure, for appeals to the supreme court from an inferior court, except that the judgment rendered or order made by the supreme court must be certified and remitted to the clerk of the city court of Yonkers, in whose office the judgment roll or appellate papers must be filed, and said judgment or order of the supreme court must be entered. Appeal to court of appeals.

To general term.

7. Proceedings upon the judgment or order appealed from, shall in no case be stayed except by giving an undertaking as required by this act, or by an order of the city court of Yonkers, or the city judge, or as otherwise provided in the Code of Civil Procedure. Stay of proceedings.

8. All appeals under this act to the county court of Westchester county must be taken within thirty days after notice in writing of the entry of the order or judgment appealed from. All appeals to the supreme court must be taken within sixty days after notice in writing of the entry of the judgment or order appealed from. All appeals to the court of appeals must be taken within the time specified in section thirteen hundred and twenty-five of the Code of Civil Procedure. Time within which appeals must be taken.

TITLE XI.

MISCELLANEOUS.

§ 57. No action or special proceeding heretofore commenced and now pending in the said city court, or before the city judge, shall be invalidated or impaired by this act, but the subsequent proceedings therein shall be conducted in conformity with the provisions of this act. Proceedings pending, etc., not invalidated.

§ 58. From and after the passage of this act, all acts and parts of acts inconsistent with and repugnant to this act are hereby repealed. Repeal.

§ 59. This act shall take effect immediately.

CHAP. 187.

AN ACT to amend chapter four hundred and forty-seven of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundaries of school district number five of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district."

PASSED April 26, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. Section nine of chapter four hundred and forty-seven of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundaries of school district number five of the town of Flushing, and to provide for the collection of school taxes therein, and conferring additional powers and duties upon the board of education of said district," is hereby repealed.

Superintendent of common schools.

§ 2. The board of education of said school district shall have power to employ, on behalf of the village of Flushing, a superintendent of common schools, who shall have such powers and perform such duties as are provided by the laws of the state of New York.

§ 3. This act shall take effect immediately.

CHAP. 188.

AN ACT for the incorporation of district number one, of the Independent Order of Benai Berith, and to authorize other corporations, incorporated societies or other associations to give and transfer property to, or wholly to consolidate with the corporation hereby created.

PASSED April 27, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. Julius Bien, Doctor Sigismund Waterman, Moritz Ellinger, Morris Goodhart, Henry S. Herman, Adolph L. Sanger, Sigismund Hamburger, Mayer Thalmessinger, Solomon Sulzberger, Joseph Koch, Leopold L. Fleischman, Louis Lewengood, Doctor E. Gutmann, Simon W. Rosendale, William H. Stiner, Moses Minzesheimer, Louis Wollstein, Simon M. Roeder, Joseph Sulzberger, Louis Schnabel, Beno Horwitz, S. M. Lyon, Jacob Goodfriend, S. H. Seligman, Max Wash, Joseph Davis, Leo Foehrding, Arthur J. Levy, Henry W. Cane, Morris Ballin, Joseph B. Falk, Abram Emanuel, Gerson N. Herman, M. Putzel, J. Lederer, Myer Hellman, S. M. Valkenberg, Herman Meyers, Ferdinand Kurzman, Joseph H. Stiner, Charles Rothschild, Marcus Berliner, H. Wasserman, and all

who now are, or may become, associated with them or their successors, are hereby created and constituted a body politic and corporate, by the name and title of District Number One of the Independent Order Benai Berith, and as such, shall have perpetual succession and be able to sue and be sued in all courts of record, and they and their successors may have and use a common seal, and alter and renew the same at pleasure, and for the purpose of their incorporation as hereinafter named, to purchase and receive, take and hold lands, tenements, and hereditaments, goods, money, chattels, and all kinds of estate, which they may obtain by gift, grant, devise, or bequest, to secure and lawfully vest its funds as said corporation may be advised, and to establish and erect any building or buildings which the said corporation may deem necessary for the purpose of their incorporation as hereinafter named, and the said lands, tenements, and hereditaments, goods, money, chattels, property, estate and buildings to sell, alien, devise or convey as the interests of said organization may require; provided, always, that the clear yearly income of the real and personal estate held by said corporation shall not at any time exceed the sum of seventy-five thousand dollars.

Name.

Powers.

Proviso.

§ 2. The objects of said organization are hereby declared to be for the cultivation and promotion of charity and benevolence, and moral, mental and social culture among its members, their mutual benefit in case of sickness or distress and provision for their widows and orphans by means of endowments, and to provide a proper edifice or edifices in which members of the independent order of Benai Berith or any of their families, who through protracted illness, old age, or extraordinary occurrences, have become unable to work and to gain a livelihood and their orphan children may find a home and an asylum. The principal business office of said corporation shall be located in the city of New York.

Objects.

Office.

§ 3. The said corporation may from time to time adopt such constitution, rules and by-laws for carrying into effect the objects stated in section two, and for defining the qualifications and terms of membership, the election and appointment of officers and agents of the corporation with suitable compensation for services which shall not be inconsistent with the laws of this state or of the United States.

Constitution and by-laws.

§ 4. The management and disposition of the affairs of this organization shall be vested in such officers and board of managers, as may be annually elected or appointed, in the mode provided in the constitution and by-laws of the said organization, and who shall hold their office until others are elected or appointed in their stead.

Officers.

§ 5. Any corporation, incorporated society or other association in this state, may at any time hereafter, and in any manner, transfer to the corporation hereby created, any of its funds or property in aid of the objects for which this present corporation is created. And the corporation hereby created, and any other corporation, incorporated society or voluntary association in this state, created or intended in whole or in part for any of the purposes as provided for in section second of this act, may, by agreement of their respective boards of trustees, become consolidated and merged in the corporation hereby created, on such terms as may be deemed proper, and the terms of such consolidation shall be binding and effective as if inserted in this present act, and upon such merger, and by force thereof, the property, effects and estate of the corporation, society or association so consoli-

Other corporations may give property to or consolidate with such corporation.

dating, shall, ipso facto, and without any further transfer, be and become the property and estate of the corporation hereby created, on the like trusts, and for the like purposes and to the like intents as held by the body transferring a consolidation by virtue of this section.

§ 6. This act shall take effect immediately.

CHAP. 189.

AN ACT for the protection of graves in cemeteries.

PASSED April 27, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Punish-
ment
for remov-
ing
flowers,
etc., from
graves.

SECTION 1. Hereafter it shall be a misdemeanor and be punishable as such, for any person other than the owner to remove from any grave in any cemetery in the state, any flowers or other memorial, or any token of affection placed on or near any such grave, or any wire-frame work or other thing in any way connected with such flowers, memorial or token.

Limitation
of act.

§ 2. The provisions of this act shall not apply to the officers or employes of any of the cemetery associations of this state in the enforcement of the rules and regulations under which such associations may be governed, provided that all articles removed by them from graves shall be destroyed so that they cannot be again used.

§ 3. This act shall take effect immediately.

CHAP. 190.

AN ACT to protect the seaside boulevard and meadows adjacent thereto on the south shore of Staten Island, and to prevent the same from being injured or overflowed by the waters of the bay of New York.

PASSED April 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Removal
of sand,
etc., from
beach op-
posite
boulevard,
prohib-
ited.

SECTION 1. It shall not be lawful for any person to remove any sand, earth or clay from the beach on the south shore of Staten Island, opposite or contiguous to the seaside boulevard, now being opened and built as a public highway from New Dorp lane to the terminus of Sea avenue, in the town of Southfield and county of Richmond, from within twenty feet of ordinary high water mark so as not in any manner to injure, undermine, encroach upon or endanger the said boulevard or highway, or meadows adjacent thereto, or render the same liable to be overflowed or washed by the tide or waters of the bay of New York.

Penalty.

§ 2. Any one who shall violate either of the provisions of this act shall be guilty of a misdemeanor, and, in addition to the punishment

now provided by law for a misdemeanor, shall be liable to a penalty of one hundred dollars for every such offense, to be recovered by the commissioners of highways of said town of Southfield.

§ 3. Such penalty or penalties, when recovered, shall be applied by the said commissioners to the improvement and protection of the said boulevard. How applied.

§ 4. An action in the supreme court or county court or justice of the peace court of said county may be maintained by the said commissioners of highways to restrain any person or persons who shall be engaged in removing, or shall threaten, or be about to remove any sand, earth or clay contrary to the provisions of this act, from removing the same. Actions, how maintained.

§ 5. This act shall take effect immediately.

CHAP. 191.

AN ACT to amend subdivision two of section four of title one, chapter thirteen, part one of the Revised Statutes.

PASSED April 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision two of section four, title one, chapter thirteen, part one of the Revised Statutes is hereby amended so as to read as follows:

2. All lands belonging to this state, or to the United States, and all vessels enrolled and licensed under and pursuant to the laws of the United States and engaged in the coasting trade. Property exempt from taxation.

§ 2. This act shall take effect immediately.

CHAP. 192.

AN ACT to release the interest of the state, in the real estate, of which Frederick Tornquest, otherwise known as Frederick John Tornquest, late of the city, county and state of New York, died seized, to Annie Tornquest, his widow.

PASSED April 27, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the estate, right, title and interest of the state of New York, acquired by escheat of, in and to the real estate of which Frederick Tornquest, otherwise known as Frederick John Tornquest, of the city and county of New York, died seized, which said real estate is situated in the city and county of New York, and is more particularly described by a certain deed of conveyance, made and executed by Emma Galloway to Frederick Tornquest, bearing date the twenty-sixth day of August, eighteen hundred and seventy-two, Title of the state released.

and recorded in the office of the register of the city and county of New York, in liber twelve hundred and thirty-one of conveyances, page forty-eight, on the twenty-sixth day of August, eighteen hundred and seventy-two, and in Queens county, which said real estate, situated in Queens county aforesaid, is more particularly described by a certain deed of conveyance, made and executed by James Welch to Frederick John Tornquest, bearing date the fifteenth day of November, eighteen hundred and seventy, and recorded in the Queens county clerk's office, in liber three hundred and thirty-four of deeds, page one hundred and sixty-eight, November fifteenth, eighteen hundred and seventy, is hereby released to Annie Tornquest, widow of the said deceased.

Not to
affect
rights of
heirs, etc.

§ 2. Nothing in this act contained shall impair or affect the rights, title or interest of any devisee, heir-at-law, mortgagee, grantee or creditor of said Frederick Tornquest, otherwise known as Frederick John Tornquest, deceased, in the said real estate.

§ 3. This act shall take effect immediately.

CHAP. 193.

AN ACT to release to Evan E. Roberts the right, title and interest of the people of the state of New York, in and to the real estate situate in the city of Utica, county of Oneida, of which Mary E. Roberts died seized.

PASSED April 27, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

Title of
the state
released.

SECTION 1. All the right, title and interest of the people of the state of New York in and to all that tract or parcel of land situate on the westerly side of Seneca street, in the city of Utica, bounded and described as follows: Beginning at a point on Seneca street, seventy-two feet from the northwesterly corner of Seneca and Whitesboro streets, and running from thence in a southerly direction along the line of Seneca street, thirty-two feet; thence in a westerly direction on a line at right angles with Seneca street to lands owned by Thomas James, which lands of said Thomas James are bounded by a line commencing on Whitesboro street, fifty-three feet westerly from Seneca street, and running in a southerly direction parallel with Seneca street, thence in a northerly direction along said Thomas James' line thirty-two feet; thence in an easterly direction to the place of beginning, being thirty-two feet front on Seneca street, and thirty-two feet in width in the rear on said James' line, and about fifty feet deep — is hereby released to Evan E. Roberts, husband of Mary E. Roberts, deceased, his heirs and assigns forever.

Not to
affect
rights of
heirs, etc.

§ 2. Nothing in this act contained shall be construed to impair or affect the right to said real estate of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 194.

AN ACT relative to the collection of taxes in the county of Sullivan.

PASSED April 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the collectors in the several towns of the county of Sullivan to pay to the county treasurer, on or before the first day of February in each year, all money collected by them for state and county taxes, in pursuance of the tax rolls and warrants delivered to them by the board of supervisors of said county. It shall be the duty of the said collectors, on the first Tuesday of April succeeding the receipt of the rolls, to pay over to the county treasurer all moneys received by them for taxes remaining in their hands, and shall also deliver to him (the said treasurer) an account of the taxes remaining unpaid, in manner and form now required by law.

Payments when to be made to county treasurer.

§ 2. The county treasurer of the county of Sullivan is not required to transmit to the comptroller any account of unpaid taxes assessed upon corporations, or upon lands of non-residents, or of unknown owners in said county, or any collector's affidavit in relation thereto; nor shall it be the duty of the comptroller to credit the said county treasurer with any unpaid taxes on lands or upon corporations, whether the same have been assessed to residents, or as non-resident lands.

Treasurer not to transmit account of unpaid taxes to comptroller.

§ 3. It shall be the duty of the county treasurer to examine the returns of arrears of taxes received from the collectors of the several towns, and to reject all taxes on those lots of land that shall be so imperfectly described in form and substance, that the collection of the same cannot be legally enforced by a sale of such lots, to recover the tax which remains unpaid. The county treasurer shall immediately deliver to the supervisor of the town in which the lot or lots of land so rejected are located, a transcript of the same; and the supervisor of such town shall, within thirty days thereafter, cause a correct description of such lands to be made, which, with the surveys and maps of the same, and the expense thereof added to the tax, shall be returned to the county treasurer.

Taxes on lands imperfectly described to be rejected, etc.

§ 4. Whenever any tax charged against any lot of land and returned to the county treasurer, and the interest thereon at the rate of ten per cent per annum, calculated from the first day of February when the same was payable, together with all expenses which may have been incurred for surveys and maps, shall remain unpaid for four months from the said first day of February, the county treasurer shall proceed to advertise and sell such lots of land and real estate in the manner hereinafter provided; the expenses of such sale, surveys and maps of land sold, and the expenses of publishing list and notices, and of conducting the sale, shall be a charge on the lands sold and shall be added to the tax and interest.

Lands, when to be sold.

§ 5. It shall be the duty of the county treasurer, immediately after the expiration of four months as aforesaid, to cause to be published once in each week for six weeks, in the two public newspapers designated by the board of supervisors of the county of Sullivan for the publication of the session laws, and the state paper, a list of the several lots of

Lists of lands liable to be sold, publication of.

Notice of sale.	land charged with such tax, interest and expenses, to be sold. And the said county treasurer shall also give notice that said lots of land and real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, be sold at public auction at the court-house in the village of Monticello, county of Sullivan, to discharge the taxes, interest and expenses aforesaid, which may be due thereon at the time of sale; the publishing of said notice not to exceed the sum of fifty cents for each lot to each newspaper which shall be designated to publish the same. On the day mentioned in the said notice, the county treasurer shall commence the sale of the several lots of land, and shall continue the sale from day to day until each and every of such lots shall be disposed of.
Sale.	
Payment of bids, etc.	§ 6. Within forty-eight hours after such sale is made, the purchasers shall pay to the county treasurer the amount of their respective bids upon each lot of land sold, and also the sum of one dollar and fifty cents to cover the expense of conducting the sale, executing deed, and the execution and delivery of the certificates of the land sold.
Certificate of purchase.	The county treasurer shall immediately issue a certificates* duly executed and acknowledged by him, describing the real estate sold and the sum paid therefor, and shall give to the purchaser a duplicate thereof; and such purchaser and his legal representatives or assigns may, upon receiving said certificate, by virtue thereof, lawfully possess, hold and enjoy for his and their own proper use, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless redeemed as hereinafter provided.
Possession, how obtained.	The purchaser may at any time, after the expiration of the time for redeeming the lands sold, if the same shall not have been redeemed, cause the occupant of such real estate to be removed therefrom, and the possession thereof delivered to him, in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over.
Time for redemption.	§ 7. The owner of or any person interested in any real estate sold for taxes as aforesaid, may redeem the same at any time within one year after the date of the certificate of sale, by paying to the county treasurer, for the use of the purchaser, his heirs and assigns, the sum named in such certificate, and the interest thereon at the rate of ten per cent per annum.
Conveyance.	§ 8. If any of such lots of land and real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the said county treasurer shall execute and deliver to the purchaser, his heirs or assigns, a conveyance of the real estate sold, which shall vest in the grantee, an absolute title in fee. Every such conveyance shall be executed by the treasurer of the county of Sullivan, under his hand and seal, and the same shall be acknowledged before some proper officer, the same as other conveyances of real estate are acknowledged, under the laws of the state of New York; and such conveyance shall be presumptive evidence that the sale was regular, and that all the previous proceedings were regular, according to the provisions of this act.
How executed.	All moneys received by the county treasurer of the county of Sullivan, upon every such sale of real estate for taxes, interest and charges, shall be applied by him, after deducting expenses, in like manner as if the same had been paid to him by the collectors; and every certificate or conveyance, executed by the county treasurer in pursuance of the provisions of this act, shall be recorded in the manner and with the like effect as any other deed of conveyance.
Proceeds of sale, how applied.	
Record.	

*So in the original.

§ 9. Whenever any purchaser under such sale of land for taxes shall fail to recover the possession thereof by reason of any error or irregularity in the assessment of any person or property, or any of the proceedings in levying or collecting the tax, the board of supervisors of the county of Sullivan shall reimburse the purchase-money so paid, with interest; said claim to be presented and audited as other county charges, and the same charged to the town in which the land is located. The tax remaining unpaid upon any such lot of land, the title to which has failed, shall be reassessed upon the same lot by the board of supervisors, when a correct description of the land is obtained by the supervisor of the town, as hereinbefore provided.

When money to be refunded to purchaser.

§ 10. All the general laws of the state of New York in relation to the assessment and collection of taxes and the sale of lands for the non-payment of taxes, which do not conflict with or abridge the provisions of this act, shall, so far as they are applicable, be in force in respect to the assessment and collection of taxes in the county of Sullivan. And the sale of lands for taxes, except that where any authority is given or duty enjoined by those laws on the comptroller of the state, the same authority shall be exercised and the same duties shall devolve on the county treasurer of the county of Sullivan.

Application of general tax laws.

§ 11. In every case where the collectors of the towns in said county shall have been discharged from liability, and there shall remain taxes uncollected and returned by them to the county treasurer, the said county treasurer may, upon the written request of a majority of the board of supervisors of the county of Sullivan, or by a resolution of said board, maintain an action at law for the recovery of the amount of such tax so remaining unpaid and uncollected, with interest at the rate of ten per cent. per annum; such action to be brought against the person or corporation liable for such tax, or the representatives of such person or corporation, in any court of competent jurisdiction.

Actions to recover unpaid taxes.

§ 12. Upon the sale of any lot or lots of land by the county treasurer as aforesaid, should the said treasurer fail to receive an offer for the same sufficient to pay the tax and expenses against such lot, he may cause the same to be struck off and sold to the county of Sullivan; and in the matter of the issue of a certificate therefor, the redemption thereof, and the conveyance of the same in the event of non-redemption, the same proceedings shall be had, and with the like effect, as are hereinbefore provided in the case of sales to individuals. Such certificate shall be issued and such conveyance executed to the board of supervisors of said county, and such board shall thereby acquire the same right in or title to such lot as in the case of sales to individuals as hereinbefore provided, and shall hold the same in trust for said county; and such right or title may be assigned or conveyed by such board to any person who shall pay to the treasurers * of such county, the amount bid for such lot, with interest thereon from the day of issuing the certificate to the time of such assignment or conveyance.

When lands to be sold to county.

Certificate and conveyance.

Title may be assigned, etc.

§ 13. This act shall take effect immediately.

*So in the original.

CHAP. 195.

AN ACT to amend chapter two hundred and twenty-four of the laws of eighteen hundred and sixteen, entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Madison, in the county of Madison.

PASSED April 27, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred and twenty-four of the laws of eighteen hundred and sixteen, entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Madison, in the county of Madison," is hereby amended by adding thereto the following sections:

Police
justice and
constable,
appoint-
ment, etc.

§ 8. The trustees of said village of Madison are hereby authorized and directed to appoint a police justice and constable, with all the powers and duties of town justice and constable in said corporation. Said officers are to qualify before the clerk of the corporation within ten days after their appointment, or the office will be deemed vacant, and said officers are to hold their office for the term of one year, commencing the first of May in each year.

Meeting to
appoint
same.

§ 9. The trustees shall meet, or a majority of them, the first Tuesday after their annual election to appoint the justice and constable for said village, and whenever it is necessary to fill vacancy.

§ 2. This act shall take effect immediately.

CHAP. 196.

AN ACT to amend an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, and the several acts amendatory thereof.

PASSED April 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Title sixteen of an act entitled "An act to revise the charter of the city of Buffalo," passed April twenty-eighth, eighteen hundred and seventy, is amended by adding thereto the following, to be known as section forty-four:

Balance
account to
be opened,
common
council
may
authorize,
etc.

§ 44. The common council may authorize the comptroller and treasurer to open an account upon the books of their offices, to be called a balance account, and may, from time to time, upon the recommendation of the comptroller, direct any or all balances, either credit or debit, upon assessments levied on account of any local improvement ordered previous to April, eighteen hundred and seventy, to be transferred to such balance account, and may draw orders on said balance account for the payment of any outstanding orders drawn against assessments so transferred.

§ 2. This act shall take effect immediately.

CHAP. 197.

AN ACT authorizing the town of New Lots, in the county of Kings, to issue bonds to the amount of ten thousand dollars, to refund or pay a like amount of bonds issued by said town, for the erection of a town house in pursuance of chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-two.

PASSED April 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisor of the town of New Lots, in the county of Kings, is hereby authorized and empowered to execute, issue and dispose of bonds of said town, to the amount of ten thousand dollars, to refund or pay a like amount of bonds of said town issued in pursuance of chapter two hundred and eighty-one of the laws of eighteen hundred and seventy-two, entitled "An act to provide for the erection of a town house in the town of New Lots, Kings county." Said supervisor shall issue said bonds, executed under his hand and seal in such denominations as he may deem best, payable at the office of the treasurer of the county of Kings, in such year or years as he may determine, not later, however, than the year eighteen hundred and ninety, with interest payable semi-annually, at a rate not exceeding seven per cent per annum, and he shall not dispose of said bonds at less than their par value.

Supervisors may issue.

Purpose.

When payable.

Interest.

§ 2. The said supervisor may exchange said bonds, or any portion of them, for a like portion of the bonds, so as aforesaid issued, if, in the exercise of his judgment, he shall deem it for the best interest of said town ; and the proceeds of the bonds so exchanged or disposed of shall be applied by the said supervisor to the payment and redemption of the bonds heretofore issued as aforesaid, and he shall deliver the bonds so paid or redeemed, canceled, to the town board of said town, to be disposed of as they may direct.

Exchange of bonds.

Proceeds, how applied.

§ 3. The supervisor of the town of New Lots is hereby empowered and directed to certify to the board of supervisors of the county of Kings annually, the sum or sums of money which may be required to pay the interest on said bonds, and to redeem them at maturity; and the said board of supervisors shall cause the said sum or sums so required and certified to annually, to be added to and made a part of the annual taxes for the ensuing year, and shall cause the same to be raised by tax upon the estates, real and personal, subject to tax in said town, in the same manner as other taxes are levied and collected, and when collected shall be paid over to the treasurer of said county, and by him applied to the payment of the interest and the redemption of the bonds issued under the provisions of this act.

Tax for payment of interest and principal.

§ 4. The necessary expenses incurred by the said supervisor in carrying out the provisions of this act, shall be a charge upon the taxable property of the town of New Lots, and shall be audited, levied, collected and paid in the same manner as other town claims are audited, levied, collected and paid.

Expenses to be a town charge.

§ 5. This act shall take effect immediately.

CHAP. 198.

AN ACT to amend chapter one hundred and seventy of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Montezuma."

PASSED April 29, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of chapter one hundred and seventy of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Montezuma," is hereby amended so as to read as follows :

Assess-
ment of
taxes for
village
expenses.

Assess-
ment
for high-
way labor.

§ 22. The trustees shall, within fifteen days after the annual meeting, direct the assessors to assess upon the taxable inhabitants and property liable to assessment and taxation in the village, to defray the ordinary expenses of the village for the current year, such sums not exceeding in the aggregate the amount of one thousand dollars, as shall have at such annual meeting been directed to be raised, by a vote of the electors of the village, as provided by section six of this act, and which sums when so raised shall be appropriated for the purposes prescribed at said meeting. They shall also in addition determine the number of days of highway labor to be assessed for every one thousand dollars valuation of the assessment roll, and which shall not be less than two nor more than four days for every one thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 199.

AN ACT to change the corporate name of the Mercantile Library Association of the city of Brooklyn.

PASSED April 29, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name
changed.

SECTION 1. The corporation hitherto known as the Mercantile Library Association of the city of Brooklyn, incorporated by an act of the legislature, passed March fifteen, eighteen hundred and fifty-nine, being chapter forty-three of the laws of eighteen hundred and fifty-nine, amended by chapter one hundred and thirty-four of the laws of eighteen hundred and sixty-five, and chapter six hundred and thirty-two of the laws of eighteen hundred and sixty-nine, respectively, shall hereafter be known as The Brooklyn Library.

Not to
affect
rights or
liabilities
of corpora-
tion, etc.

§ 2. Such change of the corporate name of the said corporation shall in no way affect the rights or liabilities of the said corporation; and all gifts, devises or bequests at any time made to the said Mercantile Library Association shall be deemed to belong to and to inure to the benefit of the said The Brooklyn Library.

§ 3. This act shall take effect immediately.

CHAP. 200.

AN ACT to legalize and confirm the official acts of William W. Snow as trustee and president of the board of trustees of the village of Oneonta, in the county of Otsego.

PASSED April 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All acts and proceedings by or before William W. Snow, as one of the trustees of the village of Oneonta, in Otsego county, and as president of the board of trustees of said village, since the date of the commencement of his term of office, are hereby declared valid and of full effect. But this act shall in no way affect the rights of any party to any suit or proceeding commenced previous to the passage of this act.

CHAP. 201.

AN ACT to amend chapter five hundred and five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the village of Gloversville."

PASSED April 29, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two, title two of chapter five hundred and five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the village of Gloversville, passed May fourteenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 2. The officers of said village shall be a president, eight trustees, one treasurer, three assessors, one clerk, one police justice, one superintendent of streets, sewers and village property, a collector of corporation taxes and three inspectors of elections, all to be elected, excepting the clerk and superintendent of streets, sewers and village property, who shall be appointed after the expiration of the terms of office of the present incumbents by a concurring vote of a majority of all the members of the board of trustees in office at the time of such appointment, a health officer, and such other officers as are hereinafter authorized, who shall be appointed by the president and trustees, and such special policemen as may be appointed by the president as hereinafter provided. Village officers.

§ 2. Section fifty-two, title seven, of act chapter five hundred and five of the laws of eighteen hundred and seventy-three, entitled "An act to re-organize the village of Gloversville," passed May fourteenth, eighteen hundred and seventy-three, is hereby amended so as to read as follows:

§ 52. The board of trustees shall in each year within one month after the annual election, make a careful estimate of the village expen- Estimate of expenses.

Trustees
may raise
money by
tax.

ses for all purposes, which estimate shall not exceed the sum of eight thousand dollars; the board of trustees shall for said purposes have power to raise by tax in each year from the taxable inhabitants of said village, and the property therein liable to taxation, such sum of money as they may deem proper, but not exceeding the said sum of eight thousand dollars.

§ 3. This act shall take effect immediately.

CHAP. 202.

AN ACT to re-appropriate certain moneys in the treasury of the state heretofore appropriated for the improvement of the Champlain canal.

PASSED April 30, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Re-appropriation
for work
on Cham-
plain
canal.

SECTION 1. The sum of two hundred and ninety-seven thousand nine hundred and seventy-nine dollars and twenty cents, remaining in the treasury of the sum of five hundred thousand dollars appropriated by chapter three hundred and ninety-nine of the laws of eighteen hundred and seventy-four, for the improvement of the Champlain canal, the unexpended balance of which was re-appropriated by chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-six; or so much thereof as shall remain unexpended on the passage of this act, is hereby re-appropriated for the same purpose, to be expended under the direction of the canal board, in bottoming out the prism of said canal, and raising and strengthening the banks thereof, so as to produce a uniform depth of six feet of water therein throughout its entire length and for no other purpose whatever; provided, however, that the said prism may be widened and strengthened at particular points, when in the judgment of the state engineer and the superintendent of public works it shall be deemed necessary to secure the proper passage of loaded boats at such places or points. The maps, plans, estimates and specifications required by sections eight and nine of chapter three hundred and seventy-seven of the laws of eighteen hundred and fifty, to be made preparatory to the letting of canal contracts for the work contemplated by this act, may be based upon the surveys for the enlargement of the Champlain canal which were made in the year eighteen hundred and seventy-four. And provided further, however, that the canal board shall have power to set aside a portion of the sum herein re-appropriated for the re-building of locks necessary to be rebuilt to secure the benefits of the increased depth of water for which provision is made in this bill.

Proviso.

Maps,
plans, etc.

Proviso.

§ 2. This act shall take effect immediately.

CHAP. 203.

AN ACT to provide for the incorporation of Pipe Line companies, and to regulate the same.

PASSED May 2, 1878; without the approval of the governor, pursuant to provision of section nine of article four of the Constitution.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any number of persons, not less than twelve, may form a company for the purpose of constructing and operating, for the public use, lines of pipe for the conveying or transporting therein petroleum, gas, liquids, or any products or property, or for the purpose of maintaining and operating any line of pipe already constructed and owned by any incorporated company, person or persons, for the like public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the same is to be constructed or maintained and operated, length of such pipe line, as near as may be, and the name of each county in this state through or into which it is to be constructed or intended to be constructed. The amount of capital stock of the company, which shall not be less than fifteen hundred dollars, for every mile of pipe constructed, or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of seven directors of the company, who shall manage its affairs for the first year, and until others are chosen in their places. Each subscriber to such articles of association shall subscribe thereto his name, place of residence and the number of shares he agrees to take in said company. On compliance with the provisions of the next section, such articles of association may be filed in the office of the secretary of state, who shall indorse thereon the day and hour they are filed, and record the same in a book to be provided by him for that purpose, and thereupon the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges granted to corporations, and be subject to the provisions contained in title three of chapter eighteen of the first part of the Revised Statutes.

Incorporation.

Articles of association.

Capital stock.

Directors.

Subscription to stock.

Filing articles.

Powers, privileges and liabilities.

When articles may be filed.

§ 2. Such articles of association shall not be filed and recorded in the office of the secretary of state until at least ten hundred and fifty dollars of stock for every mile of pipe line proposed to be constructed or maintained is subscribed thereto, and twenty-five per cent. paid thereon in good faith, and in money, to the directors named in such articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of stock required by this section has been in good faith subscribed, and twenty-five per cent. paid in money thereon as aforesaid, and that it is intended in good faith to construct or to maintain and operate the line of pipe mentioned in such articles of association, and that such corporation was not projected

or formed with the intent or for the purpose of selling or conveying its franchise to any person or corporation, nor with the intent or for the purpose of injuring any person or corporation, nor for any fraudulent purpose, which affidavit shall be recorded with the articles of association as aforesaid, and shall be taken and held to be a part thereof.

Copy of
articles as
evidence.

§ 3. A copy of any articles of association filed and recorded in pursuance of this act, or the record thereof, containing a copy of the affidavits by the last section made a part thereof, and certified to be a true copy by the secretary of state, or his deputy, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Subscription
to
stock.

§ 4. When such articles of association and affidavit are filed and recorded in the office of the secretary of state, the directors named in such articles of the association may, in case the whole of the capital stock is not before subscribed, open books of subscription to fill up the capital stock of the company in such places and after giving such notices as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed at the time of such subscribing. Every subscriber shall pay to the directors twenty-five per cent. in money on the amount of the stock subscribed by him, and no subscription shall be received, or taken or held as a valid subscription, unless such payment is made at the time of subscribing.

Cash pay-
ments.

Directors,
how
elected.

§ 5. There shall be a board of seven directors of every corporation formed under this act, to manage its affairs, and such directors shall be chosen annually by the stockholders voting at such election, in the election of directors, each stockholder personally or by proxy shall be entitled to as many votes as shall equal the number of his shares of stock for thirty days previous to such election multiplied by the number of directors to be elected, and he may distribute his votes among those to be voted for, as he sees fit, and the persons receiving the greatest number of votes shall be directors of such corporation, and they may and shall continue to be such directors for one year and until others are elected in their places. The inspectors of the first election shall be appointed by the directors named in the articles of association, and thereafter in such manner as may be prescribed by the laws of the corporation. No person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right and qualified to vote thereon for directors at the election at which he shall be chosen, and at every election of directors the books and papers of such company shall be exhibited to the meeting if the persons owning or representing by proxy one-third of the stock entitled to be voted upon at such meeting shall require it, and such books may then be examined by any stockholder, and any stockholder may take transcripts or copies, or any portion thereof, and the purchaser or purchasers of the real estate, pipe and fixtures of any corporation created by or under this act which may be sold by virtue of a power of sale contained in any mortgage made by such corporation or upon a sale by virtue of any execution issued upon any judgment recovered in any court, shall acquire title to them in the manner prescribed by law, such purchaser or purchasers, or the grantee or grantees of them, may associate with themselves any number of persons sufficient to constitute a board of directors, as required by this act, and may make and subscribe articles of association with an affidavit, as prescribed by

Inspectors
of elec-
tion.

Qualifica-
tions of
directors.

Books of
company
when to
be exhibit-
ed and
examined.

Tran-
scripts.

Reorgani-
zation af-
ter sale.

the first section of this act, and upon the filing thereof, such parties with their associates shall thereupon be a corporation with all the powers, privileges, and subject to all the provisions of this act. Nothing herein contained shall be construed to authorize any company organized under the provisions of this section to charge any greater rate or compensation for the transportation of any product or liquid than is prescribed in this act.

Charge for transportation.

§ 6. The time and place of holding the annual election for directors shall be fixed by the by-laws of such corporation and shall be not more than fifteen months after the time of filing the articles of association and all annual meetings for the election of directors shall thereafter be held in each year on the day and at the place so designated.

Annual election.

§ 7. The directors shall appoint one of their number president. They may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws, who shall hold their offices at the pleasure of the directors, unless otherwise provided by the by-laws.

Officers and agents.

§ 8. The directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed in such manner and in such installments as they may deem proper. If any stockholder shall neglect to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized by resolution to declare his stock and all previous payments thereon forfeited to the use of the corporation, but they shall not declare it so forfeited until they have caused a notice in writing or partly written and partly printed, to be served on him personally, or by depositing the same in the post-office, with the postage prepaid thereon, and properly directed to him at the post-office nearest his place of residence, which notice shall state that he is required to make such payments at the time and place specified in said notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited to the use of such corporation, which notice shall be so served at least sixty days previous to the day on which such payment is required to be made.

Payment of subscription to stock.

§ 9. The stock of every corporation formed under this act shall be deemed personal property and estate, and shall be transferable in the manner prescribed by the by-laws of such corporation, but no shares shall be transferable by sale, until all previous calls thereon shall have been fully paid in, and it shall not be lawful for such corporation to use any of its funds in the purchase of any stock in its own or in any other corporation, nor shall such corporation in any manner become liable for the debt, or miscarriage of any other person or persons or corporations.

Transfer of stock.

Corporations not to purchase stock nor to become surety.

§ 10. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its pipe line, such company may, with the concurrence of two-thirds in amount of all its stockholders, and upon an order of the supreme court to be granted in the discretion of the court, upon the petition of the directors, and notice of such application, of not less than fifteen days, upon all stockholders appearing upon the stock book of said corporation, who shall not have consented to such increase (in such manner as said court shall direct), increase its capital stock from time to time, to any amount required for the purposes aforesaid, and in all such cases the petition to the court shall be by affidavit, and shall show the amount of the proposed increase, and the reasons therefor; that two-thirds in

Increase of capital stock.

Petition for increase.

amount of all the stockholders of such corporation, entitled to vote at such meeting, personally or by proxy, had voted for such increase at a meeting of the stockholders, called by a resolution of the directors for that purpose, and notice thereof served upon each stockholder thereof at least twenty days previous to the time of such meeting, in the manner provided in the eighth section of this act for serving notices, and that such notice contained the time, place and object of such meeting, and the amount to which such capital stock was proposed to be increased, and that the amount of the increase prayed for in the petition is not for a greater amount than that specified in such notices, and thereupon, upon the hearing, the court may make an order, in its discretion, increasing the capital stock of such company in the amount prayed for in such petition, or in such lesser sum or amount as the court may fix, and upon the filing and entry of such order, the capital stock of such corporation may be increased in the amount mentioned therein, and the directors may proceed to take and receive subscriptions therefor, in the manner provided in section four of this act, and upon payment of the percentage therein provided upon subscribing thereto.

Order of
court.

Liability
of stock-
holder.

§ 11. Each stockholder of any company formed under this act, shall be individually liable to the creditors of such company to an amount equal to the amount unpaid on the stock held by him for all debts and liabilities of such corporation until the whole amount of the capital stock so held by him shall have been paid to the company, and all the stockholders of any such company shall be jointly and severally liable for the debts due or owing to any of its laborers and servants, other than contractors, for personal services for thirty days' services performed for such company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation, and the amount due on such execution shall be the amount recovered with costs against such stockholder by such laborer or servant.

Executors,
trustees/
and
pledges
not liable.

§ 12. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be held liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust-fund would have been, if he had been living and competent to act and held the stock in his own name.

When
company
liable to
employees
of contract
or for the
construction
of
line.

§ 13. As often as any contractor for the construction of any line of pipes which is in progress of construction shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said pipe line, such laborer may give notice of such indebtedness to said company in the manner herein provided, and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against such company therefor; such notice shall be given by such laborer to said company within twenty days after the performance of the number of days' labor for which claim is made. Such notice shall be in writing, and shall state the months and particular days of the month upon which labor was performed and remains unpaid for,

the price per day, the amount due, with the name of the contractor from whom due, the section or portion of the pipe line upon which the same was performed, and shall be signed by such laborer or his attorney, to which notice an affidavit shall be annexed, made by such laborer or his attorney to the effect, that to the knowledge of the person making the affidavit the statements contained in such notice are in all respects true. Such notice so verified may be served upon the president, secretary, or any director of said company, or upon any engineer, agent or superintendent employed by said company, having charge of the section or portion of the pipe line on which such labor was performed, either personally or by leaving the same at the office or usual place of business of any such officer or employee, with some person of suitable age, but no action shall be maintained against such company unless the same is commenced after ten days and within six months after giving the notice above provided.

§ 14. In case any company formed under this act is unable to agree for the purchase of any real estate required for the purposes of its incorporation, not forbidden to be acquired by this act, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed by this act.

Real estate,
how
acquired.

§ 15. For the purpose of acquiring such title, the said company may present a petition to the supreme court at any general or special term thereof held in the district in which the real estate described in the petition is situated, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified according to the rules and practice of the courts. It must contain a description of the real estate which the company seeks to acquire, and it must state in effect that the company is duly incorporated, and that it is the intention of the company in good faith to construct and finish a line of pipes from, and to, the places named for that purpose in its articles of association; that the whole capital stock of the company required by this act has been in good faith subscribed as herein required; that the company has surveyed the line, or route of its proposed line of pipe, and made a map of the survey thereof, by which such line or route is designated, and that they have located and staked out their said line of pipes according to such survey, and filed certificates of such location, signed by a majority of the directors of the company, in the clerk's office of the several counties through, or into which, the said line of pipe is to be constructed; that the land described in the petition is required for the purpose of constructing or operating the proposed line of pipe, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can, by reasonable diligence, be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate, and if any such persons are infants their ages as near as may be must be stated, and if any such persons are idiots or persons of unsound mind, or are unknown, that fact must be stated, together with such other allegations and statements of liens or incumbrances on such real estate as the company may see fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the court, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the time therein named for the presentation of the same to the said court.

Petition
for acquiring
land.

Service of
petition.

1. If the person on whom such service is to be made resides in this

How ser-

vice to be made.

state, and is not an infant, idiot or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent, or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid with some person of suitable age.

How service to be made.

2. If the person on whom such service is to be made resides out of the state, and has an agent residing in this state, authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent, or on such person, personally, out of the state; or it may be made by publishing the notice, stating briefly the object of the application, and giving a description of the land to be taken, in the state paper, and in a paper printed in the county, in which the land to be taken is situated, once in each week for one month next previous to the presentation of the petition. And if the residence of such person residing out of this state, but in any of the States, or any of the British colonies of North America, is known, or can, by reasonable diligence, be ascertained, the company must, in addition to such publications aforesaid, deposit a copy of the petition and notice in the post-office, properly folded and directed to such person at the post-office nearest to his place of residence, at least thirty days before presenting such petition to the courts, and pay the postage chargeable thereon in the United States.

Ib.

3. If any person on whom such service is to be made is under the age of twenty-one years, and resides in this state, such service shall be made as aforesaid on his general guardian; or if he has no such guardian, then on such infant personally, if he is over the age of fourteen years; and if under that age, then on the person who has the care of, or with whom such infant resides.

Ib.

4. If the person on whom such service is to be made is an idiot, or of unsound mind, and resides in this state, such service may be made on the committee of his person or estate; or if he has no such committee, then on the person who has the care and charge of such idiot or person of unsound mind.

Ib.

5. If the person on whom such service is to be made is unknown, or his residence is unknown, and cannot by reasonable diligence be ascertained, then such service may be made, under the direction of the court, by publishing a notice stating the time and place the petition will be presented, the object thereof, with the description of the land to be affected by the proceedings, in the state paper, and in a paper printed in the county where the land is situated, once in each week for one month previous to the presentation of such petition.

Ib.

6. In case any party to be affected by the proceedings is an infant, idiot or of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings; but if a general guardian or committee has been appointed for such person in this state, it shall be the duty of such general guardian or committee to attend to the interests of such infant, idiot or person of unsound mind; and the courts may require such security to be given by such general or special guardian or committee as it may deem necessary to protect the rights of such infant, idiot or person of unsound mind; all notices required to be served in the progress of the proceedings may be served on such general or special guardian or committee.

Ib.

7. In all cases not herein provided for, services of orders, notices

and other papers in the special proceedings authorized by this act, may be made as the supreme court shall direct.

§ 16. Any pipe line company which may hereafter be duly formed under the provisions of this act, and which is duly continued in existence when at least ten hundred and fifty dollars for every mile of its line proposed to be constructed in this state shall be in good faith subscribed to its capital stock, and twenty-five per cent thereof paid in, may apply to the court for the appointment of commissioners, and all subsequent proceedings may be had to obtain the title and lands necessary for the construction of its pipe lines, to the same extent and in the same manner as if the whole amount of the capital stock specified in the articles of association, was in like manner subscribed.

When may apply for condemnation of land.

§ 17. On presenting such petition to the supreme court as aforesaid, with proof of service of a copy thereof, and notice as aforesaid, all or any of the persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition it shall make an order for the appointment of three disinterested and competent freeholders, who reside in the county or some adjoining county where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county, for the purpose of the company, and fix the time and place for the first meeting of the commissioners.

Hearing on the petition.

Appointment of commissioners.

First meeting.

§ 18. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any of them may issue subpoenas and administer oaths to witnesses; a majority of them may adjourn the proceedings before them, from time to time, in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties interested, or their agents or attorneys. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony taken by them, if any, to writing, and after the testimony of each case is closed, they or a majority of them, all being present, shall, without any unnecessary delay, and before proceeding to the examination of any other claim, ascertain and determine the compensation which ought justly to be made by the company to the owners or persons interested in the real estate appraised by them; and, in fixing the amount of compensation, said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the construction of the proposed pipe line, or the construction of the proposed improvement connected with such line for which such real estate may be taken. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian or committee of an infant, idiot or persons of an unsound mind, or to an attorney appointed by the court to attend to the interests of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses and counsel fees. The said commissioners shall make a report of these proceedings to the supreme court, with the minutes of the testimony taken by them, if any; and they shall each be entitled to five dollars for services and expenses for every day they are actually engaged in the performance

Powers and duties of commissioners.

Report.

Compensation.

of their duties, to be paid by the company, except where the owners or persons interested in the real estate fail to have awarded them more than the amount of compensation offered them by the company before the appointment of commissioners, then to be paid by the said owners or persons interested, or if not paid by them, to be paid, by the company, and deducted from the amount awarded.

Confirma-
tion of
report.

Discretion
as to
award.

When
company
may enter
upon land.

Land so
acquired
for public
use.

Appeals
from con-
firmation
of report.

Power of
court on
appeal.

Second
report con-
clusive.

Effect of
appeal.

Guardians
at litem.

Amend-
ments of
proceed-
ings.

§ 19. On such report being made by said commissioners, the company shall give notice to the parties or their attorneys to be affected by the proceedings, according to the rules and practice of the court, at a special term thereof for the confirmation of the report, and the court shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money awarded is to be paid and how, and in case it appears from any cause that such award should be held to await the further order of the court, it shall by order make such disposition thereof as shall be just, pending such further order.

§ 20. A certified copy of the order so made as aforesaid shall be recorded at full length in the clerk's office in which the land described therein is situated, and thereupon and on the payment or deposit by the company of the sums to be paid as compensation for the land, and for costs, expenses and counsel fees as aforesaid, and on full compliance with said order. * The company shall be entitled to enter upon, take possession of, and use the said land for the purposes of its incorporation during the continuance of its corporate existence, and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate during the corporate existence of the company as aforesaid. All real estate acquired by any company under and pursuant to the provisions of this act, for the purposes of its incorporation, shall be deemed to be acquired for public use. Within twenty days after notice of the confirmation of the report of the commissioners as provided herein, either party may appeal therefrom or from any part thereof, according to the rules and practice of the court as from an order granted on notice to the general term of the court. On the hearing of the appeal the court may modify such report or order in such manner as may be just, or may direct a new appraisal before the same or new commissioners in its discretion. A second report if made shall be conclusive on all parties served with notice of the first application to the court for the appointment of commissioners of appraisal, and upon the coming in of the second report * of the court shall make an order in relation to the moneys theretofore paid upon the confirmation of the first report, and of any moneys directed to be paid by the second report as shall be just and to the court seem proper. The appeal herein allowed shall not affect the possession by such company of the land appraised.

§ 21. The court shall, upon application for the appointment of appraisers, appoint some responsible and competent attorney to appear for and protect the rights and interests of any infants, lunatics or persons of unsound mind, or of any person who is unknown, or whose residence is unknown, who has not duly appeared by attorney; the court shall also at any time have power to amend any defect or informality in any of the proceedings authorized by this act, in such manner as may be proper and necessary, and may cause new parties to be brought in, and direct such further notices to be given to any

* So in the original.

party, as it shall deem proper, and also to appoint other commissioner or commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving. Vacancies in commission.

§ 22. If at any time after an attempt to acquire title by appraisal of damages or otherwise it shall be proved that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of such new proceedings, the court may authorize the company, if in possession of the lands, to continue in possession, and if not in possession, to take possession and use such real estate during the pendency and until the final determination of such new proceedings, and may stay all actions or proceedings against the company on account thereof upon such terms as the court may direct; and in any case where a company organized under this act shall be in possession of lands without having acquired title thereto, any person interested in such lands may institute proceedings for the appraisal of damages for the taking, or may conduct any such proceedings, when commenced, to a conclusion, if the company delays or omits to do so; and all proceedings commenced or carried on in consequence of delay on the part of the company as aforesaid, shall be conducted in such manner as the court shall, upon application, direct. If at any time after the construction of any line of pipe or pipe line the company shall require other lands for the proper operating of the same, such lands may be acquired in the same manner hereinbefore provided for the acquiring titles to lands. When company may proceed anew.
Court may authorize possession.
When land owner may commence proceedings.
Further acquisition of land.

§ 23. Every company organized under the provisions of this act, shall, before commencing the constructing of their pipe line in any county, plainly and distinctly mark and designate the line adopted and located by them by a line of stakes, not more than twenty rods apart from each other, so that each line can be definitely known and ascertained in all places. Such stakes shall be numbered by consecutive numbers, and shall be at equal distances from each other; and such company shall also, before commencing work on such line, make a map and survey of the route so located and staked out, and shall indicate thereon plainly the points where such route crosses the lines of each parcel of land to which they have not acquired title by agreement, and shall cause such map and survey to be certified by the president and engineer of such company and filed in the office of the clerk of the county into or through which the line so located and mapped passes, or in the register's office in counties where there is a register; written notice of the filing of such map and survey shall be given to the owner or occupant of every parcel of land through which the said route passes (if such owner or occupant be known or can be ascertained), the title to which has not been acquired by purchase, which notice shall state that such route passes over or across such owner's or occupant's lands, and that the route thereof is indicated thereon by the line of location stakes aforementioned; and such company shall not commence the work of constructing or digging or laying their line of pipe until fifteen days from and after the service of all notices required by this section. Any occupant or owner of such lands feeling aggrieved by the proposed location may, within fifteen days after service of such notice, give ten days' written notice to the company, by service upon any director, president or engineer thereof, and to the owner or occupant of any lands to be affected by the alteration to be proposed by him, of the time and place of an Company to stake out line.
Map and survey.
Notice of filing of map.
Commencement of work.
Application of land owner for re-location of line.

Line how
re-located.

application to be made by him to a justice of the supreme court in the judicial district in which such lands are situated for the appointment of commissioners to relocate said line as set out in said notice. If, upon the hearing such justice shall consider that sufficient cause exists therefor, he shall appoint three disinterested persons commissioners to examine the route located by the company, and the proposed alteration thereof, and direct the mode of proceeding, who shall report to the court their opinion of the proposed alteration, or what if any alteration should be made in such line, and whether any alteration should or should not be made; and such justice shall thereupon make such order as he shall deem proper in relation to such alteration, and shall therein determine the location of such line, which order shall also fix and adjust the costs, fees and charges of the commissioners, and the costs and charges of the proceedings, and direct by which party the same or any portion thereof shall be paid, and may enforce payment thereof by proceedings as for a contempt of court, for refusal to pay costs ordered paid by an order of the court. Every such order shall be final as to the location of the line upon lands embraced in the order.

Court may
control
proceed-
ings.

§ 24. In all cases of appraisal, and in all proceedings before or in any court authorized by this act, in which the mode or manner of conducting the same is not particularly or expressly provided herein, the court before whom such proceedings may be pending shall have power to make all necessary orders and give the proper directions to carry into effect the objects and intent of this act, conforming the same, as near as may be, to the ordinary practice of the court.

Railroad
and high-
way cross-
ings.

§ 25. Whenever any line of pipe constructed by any company formed under this act shall necessarily cross any railroad, highway, turnpike or plank road, such line of pipe shall be made to cross under such railroad, highway, turnpike or plank road, and in such manner as to injure the same as little as practicable, and unless the right to cross the same shall be acquired by agreement, compensation shall be ascertained and made to the owners thereof (or to the public in case of highways), by appraisal, in the manner prescribed by this act, but no exclusive title or use shall be so required as against any railroad, turnpike or plank road company, nor as against the rights of the people of this state in any public highway, but the rights acquired shall be a common use of the lands in such manner as to be of the least practical injury to such railroad, turnpike, plank road or public highway, consistent with the necessary use thereof by such pipe line company, for the uses and purposes of its incorporation, and nothing in this act contained shall be construed to authorize the taking or use of any lands, fixtures or erections of any railroad company or the right to acquire the title or use, or right to run along or upon the lands of any railroad company, except for the purpose of directly crossing the same when necessary, except by agreement with such railroad company.

Limita-
tion as to
railroad.

Across and
along
canals.

§ 26. No pipe line shall be constructed upon or across any of the canals belonging to the people of this state, except by the consent and in the manner and upon the terms prescribed and approved by the superintendent of public works. Except that such pipe line may be constructed across any such canal, upon any fixed bridge across the same, by the consent of the individual for whose benefit the said bridge is constructed and maintained, or upon a fixed bridge over such canal, at the crossing of a public highway, with the consent of the public officers in charge, or of the municipal authorities of any city where

such pipe may be required to be laid across any bridge over the canals therein, as hereinafter provided, in relation to lands in public highways. The pipes of the pipe line companies organized for the conveying or transporting therein of petroleum, gas, liquids or any products or property shall not be laid through any of the canals or along the banks of any of the canals of this state, nor shall any such pipes be laid through or under any of the rivers or creeks of this state, unless such pipes shall be encased so as to prevent leakage, in such manner as shall meet the approval of the state engineer and surveyor.

Rivers and
creeks.

§ 27. It shall and may be lawful for any pipe line company formed under the provisions of this act to contract with the chiefs of any nation of Indians over whose lands it may be necessary to construct their pipe line, for the right to construct such pipe line upon such lands, but no such contract shall vest in such pipe line company the fee of such lands, nor the right to occupy the same for any purpose other than what may be necessary for the construction and operation and maintenance of such pipe line, and no contract made with any such Indian chiefs for the purposes of the incorporation of such company shall be valid or effectual until the same shall be ratified by the county court of the county in which such lands are situated.

Over In-
dian Re-
servations.

§ 28. No pipe line shall be constructed across, along or upon any public highway, without the consent of the commissioners of highways of the town in which such highway is located, upon such terms as may be agreed upon with such commissioners, or upon the order of the general term of the supreme court of the department in which such highway is situated, made upon petition and notice to the commissioners of highways of such town, according to the practice or order of the court, or an order to show cause, and in such manner and upon such terms as shall be ordered by such court.

Across or
along
highways.

§ 29. No pipe line shall be constructed into or through any incorporated village or city in this state, unless the same be sanctioned by two-thirds of the common council of such city, or trustees of such village, by a resolution adopted at a regular meeting of such common council or board of trustees, which resolution shall prescribe the route, manner of construction and the terms upon which consent is granted; and nothing in this or the preceding section shall be construed or held to confer any other right than the relinquishment of the public right and the consent of the people to the construction of such pipe line, and shall not affect any private right. No pavement shall be removed in any of the cities of this state for the laying of pipes, under the provisions of this act, unless the same is done under the direction of the common council of the cities through which the pipes are to be laid, nor until any of the pipe line companies incorporated under the provisions of this act, shall give a bond in such sum as the common council may require for the replacing of any pavements that shall have been removed for the laying of the pipes. In case any pipes shall have been removed and not properly relaid, the common council may bring suit in any court of record of this state, for the cost of relaying any of such pavement against any of said pipe line companies. No gas-houses shall be erected in any city in this state under the provisions of this act, for supplying gas to the inhabitants, unless consent is first given by the corporate authorities of any of said cities.

How con-
structed
through
villages
and cities.

Gas-
houses in
cities.

§ 30. The commissioners of the land office shall have power to grant to any pipe line company formed under this act any lands belonging to the people of this state which may be required for the purpose

Grants of
land be-
longing
to the
state.

of its incorporation on such terms as may be agreed on by them, or such company may acquire title thereto by appraisal, as in the case of lands owned by individuals, and if any lands owned by any county, city or town is required by such company for such purposes, the county, city or town officers having charge of such lands may grant such lands to such company upon such terms and for such compensation as may be agreed on.

How title
acquired
to land
vested in
trustees,
infants,
etc.

§ 31. In case any title or interest in lands required by any company formed under this act for the purpose of its incorporation, shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot or person of unsound mind, the supreme court shall have power by a summary proceeding, on petition, to authorize such trustee or the general guardian or committee of such infant, idiot or person of unsound mind, to sell and convey the same to such company on such terms as may be just; and in case any infant, idiot or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court on oath, and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell the same.

Title in
ease-
ments.

§ 32. Any company formed under this act may acquire title in any easement upon lands or any interest therein less than the fee and which may be necessary for the purposes of its incorporation, in all cases where such easement or interest is owned by any person or class of persons other than the owner of the fee in the manner provided in this act. But in every such case the petition for the appointment of commissioners of appraisal in addition to the facts required in case of appraisal of the fee of the land, shall set out and show all the facts in relation to such easement or interest, and the court may by a reference ascertain the truth of all such allegations and whether all facts necessary to a proper determination therein are alleged, and require other necessary facts or proofs to be supplied or other proper or necessary parties to be brought in before appointing commissioners of appraisal. And such court shall have full power to protect the interests and rights of all parties therein, according to the practice of the court.

Additional
powers of
corpora-
tions.

§ 33. Every corporation formed under this act shall, in addition to the powers conferred on corporations in the third title of the eighteenth chapter of the first part of the Revised Statutes, have power:

To enter
on lands
to make
surveys.

1. To cause such examinations and surveys of its proposed line of pipe to be made as may be necessary to the selection of the most advantageous route, and for such purpose by its officers or agents and servants may enter upon the lands and waters of any person upon, through or across which such company can construct their line of pipe by the provisions of this act. Subject, however, to liability for all actual damage which shall be done thereto.

To take
voluntary
grants.

2. To take and hold such voluntary grants of real estate and other property as shall be made to it to aid in the construction, maintenance, operating and accommodations of its pipe line, but the real estate ac-

quired by purchase or voluntary grant shall be held and used for the purposes of such grant only.

3. To purchase and hold all such real estate and other property as may be necessary for the purposes of its incorporation.

To purchase property.
Width of line.

4. To lay out its pipe line route, not exceeding twelve feet in width, except that at the terminations of such pipe line, and at all receiving and discharging points, and at all places where machinery may properly or necessarily be set up for the operating of such pipe line, such company may take such additional width, and for such length as may be proper.

5. To take and convey through pipes, any property, substance or product capable of transportation in pipes, by any force, power or mechanical agency, and to erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the purposes of their incorporation.

To convey any thing possible.

6. To regulate the time and manner in which property shall be transported over their pipe line, and the compensation to be paid therefor, but such compensation shall not exceed the sum, or be above the rate of twenty-five cents per one hundred miles, for the transportation of forty-two gallons of any product transported on lines of one hundred miles in length or over, which shall be reckoned and adjusted upon the quantity or number of gallons delivered by such company at the point to which such company shall have undertaken to deliver the same.

To regulate time, manner and compensation for transportation.

7. Any pipe line constructed by any company formed under this act, shall be open for transportation to the public use, and all persons desiring to transport products through such pipe line, shall have the absolute right to such transportation in the order of application therefor, on complying with the general requirements of such company, as to delivery for and payment of such transportation, and no application for such transportation shall be a valid application, beyond or for a greater quantity of products than such applicant shall then own and have ready for delivery for transportation to such companies, and every such company shall provide suitable and proper and necessary receptacles for receiving all such products for transportation, and for storage at the place of delivery, until the same can reasonably be moved by the consignee, and shall be liable as common carriers therefor, from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment, and ready for delivery to the consignee, which time shall be fixed by general regulation by such company, and shall not be less than two days, from and after the time the same shall be ready for delivery to such consignee, and notice thereof given to such consignee; and all rates and charges of every description, for or on account of or in any manner connected with the transportation of any products, shall be fixed by such company by general rules and regulations, which shall be applicable to all parties who shall transport any products through such pipe line, or deliver or contract to deliver products for transportation.

Line to be open to public use.

To provide storage.

Liable as common carriers.

Rates and charges.

Such rules and regulations shall be in writing or printed and exposed to public view, and at all times open to public examination. The intention of this act being that absolute equality shall be had by and between all parties transporting any products by any pipe line company, and any officer, agent or manager of any pipe line company organized under this act, who shall knowingly neglect or refuse to transport any product delivered for transportation, according to such general rules and regulations, or to accept and allow a delivery thereof

Discrimination.

Penalty for discrimination.

in the order of application, as above provided, or who shall charge for such receiving, transportation and delivery more than the sum fixed by such general rules and regulations, or shall accept or agree to accept less than the amount fixed in such general rules and regulations, or shall allow or pay, or agree to allow or pay, or suffer to be allowed or paid or repaid, any drawback or rebate or allowance in any manner, so that any person or party shall, by any device, have or procure any transportation of products over such pipe line at any less rate, cost, expense or charges than is expressed in such general rules and regulations, shall be guilty of a misdemeanor, and, on conviction by any court of competent jurisdiction, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Line not
to be loca-
ted
through or
under
buildings,
yards,
cemeter-
ies, etc.

When line
may be
laid
through or
under
street.

Where line
is not
enclosed,
adjoining
owners
may use.

Crossings
where line
is en-
closed.

Fences.

§ 34. No company formed under the provisions of this act shall locate or construct any line of pipe or pipe line through or under any building, dooryard, lawn, garden or orchard, except by the consent of the owner thereof in writing duly acknowledged before some officer duly authorized to take acknowledgment of deeds, and no pipe line shall be constructed through any cemetery or burial ground, nor within one hundred feet of any building, except that in cases where such line is authorized by public officers to be laid across or upon any public highway, or where the same is laid across or upon any turnpike or plank road, the above restriction shall not be applicable, and in all cases hereby excepted. No pipes shall be laid for the purpose of carrying petroleum, gas, or other products or property through or under any of the streets in the cities of this state, unless the said pipe line companies incorporated under the provisions of this act, shall first obtain the consent of a majority of the property owners on the streets which may be selected for the laying of pipes of any pipe line company. Such pipe line shall be located with all reasonable care and prudence, so as to avoid danger from bursting the pipes.

§ 35. It shall not be necessary for any pipe line company to fence the lands acquired by them for the purposes of their incorporation. But if such lands be not enclosed by a substantial fence, the owner or owners of the adjoining lands from whom such lands were obtained, their heirs or assigns, may occupy and use such lands in any manner not injurious to the interests of such company and shall not be liable to such company therefor, or for any trespass upon such lands, except for willful or negligent injuries to such company's pipes, fixtures, machinery, or any personal property thereon. And in case such company shall keep such lands substantially enclosed they shall construct and provide all suitable and necessary crossings with gates for the use and convenience of any owners of lands adjoining the portions of lands of such company so enclosed, and no claim shall be made by such company against any owner of adjoining lands to make or contribute to the making or maintaining of any division fence between such adjoining lands and the lands of such company.

In all cases where such company shall neglect to keep and maintain substantial fences along their lands, the owners of adjoining lands may construct and maintain all farm or division fences, and all line fences crossed by such pipe line in the same manner as though such company had not acquired such lands for such pipe line, and such company shall be liable for all injuries to such fences caused or done by any person acting for any officer or agent of such company, or by any laborer in their employ or in the employ of a contractor under such company.

§ 36. The real estate and personal property belonging to any company formed under this act, in this state, shall be assessed and taxed in the several towns, villages and cities in the same manner as the real estate and personal property of railroad corporations are assessed and taxed, and such company may commute therefor and pay the same in the same manner as railroad corporations.

Taxation of property.

§ 37. Any company organized under the provisions of this act may take and hold any real estate in any other state, province or kingdom, which may be taken or acquired in any such state, province or kingdom, in pursuance of the laws thereof.

Real estate in other states.

§ 38. Any person who shall willfully injure or destroy any pipe or other property of such company shall be guilty of a misdemeanor, and on conviction thereof, may be punished by a fine, not exceeding one thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Punishment for injury to property.

§ 39. Any company formed under this act may, from time to time, borrow such sums of money as may be necessary for completing and finishing or operating their pipe line, and may issue and dispose of their bonds for any amount so borrowed, and may secure payment thereof by a mortgage upon their corporate real and personal property and franchises, and may confer on any holder of any bond issued for money borrowed for the purposes aforesaid, the right to convert the principal due or owing thereon into common stock of said company at any time within ten years after the date of such bond, under such regulations as the directors may see fit to adopt, but no such company shall borrow money for any purpose not mentioned in this section.

Company may borrow money and issue bonds.

§ 40. Any company heretofore organized under the provisions of chapter one hundred and thirteen of the laws of one thousand eight hundred and seventy-five, on filing in the office of the secretary of state a certificate signed by all the directors of said company, setting forth the date of such organization, the places from and to which they propose to construct their pipe line, the length of the same, and the amount of the capital stock of said company, as already fixed, and that said company desires to become reincorporated under the provisions of this act, which certificate shall be verified by the president of such company, to the effect that all statements therein contained are true to his own knowledge; such company shall thereupon be and become a body corporate under the provisions of this act, and shall have all the powers and be subject to all duties and liabilities of corporations organized under this act, and shall be invested with and take, hold and convey any and all real estate and property owned by such company as fully and amply and to all intents and purposes the same as if said real estate and property had been purchased or acquired by such company after reorganization under the provisions of this act.

Old companies formed under ch. 112, Laws 1875, may recognize under this act.

§ 41. It shall be the duty of every corporation organized under this act to make monthly a specific statement showing the amount of all commodities received, the amount delivered during the month, and the stock on hand on the last day of each month of the year, and how much of said stock is represented by outstanding certificates, vouchers, receipts or orders, and how much in credit balances on the books of the said corporation. Such statement shall be made on or before the tenth day of the succeeding month, and sworn to by the president and secretary of the corporation that the same is in all respects true and correct; and such statement shall be filed within three days thereafter, in the county clerk's office in the county where

Monthly statement.

the principal office of said corporation is located, and a true copy of the same posted in a conspicuous place in the office of said corporation for at least thirty days thereafter.

Property
not to be
receipted
for until in
possession.

Vouchers,
receipts,
etc., to be
canceled.

Property
to be
delivered
only on
surrender
of vouchers.
Penalty
for violation.

Act may
be amended.

Annual
report.

Penalty
for failing
to report.

§ 42. No receipt, certificate, voucher, or order of any kind shall be made, accepted or issued by any corporation formed under this act, for any commodity unless the said commodity represented by such receipt, certificate, voucher or order is actually in possession of said corporation at the time of such making, issuing or acceptance. Whenever any corporation formed under this act shall have parted with the possession of any commodity, and received therefor any order, voucher, receipt or certificate, such order, voucher, receipt or certificate shall not be issued or used again, but shall be canceled with the word "canceled" stamped or printed legibly across the face thereof, and such canceled order, voucher, receipt or certificate shall be filed and preserved by said corporation and a record of the same kept by the secretary of said corporation. No petroleum or other commodity received for transportation by said corporation shall be delivered to any person or persons without the presentation and surrender of all vouchers, receipts, orders or certificates that have been issued or accepted for the same. Any person willfully violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, punished according to law.

§ 43. No corporation formed under the provisions of this act shall be held or deemed to have acquired any vested rights thereunder as against the people of this state, but all companies so formed shall be subject to any and all changes made by any amendment hereto.

§ 44. It shall be the duty of the president and secretary of every corporation formed under this act, to report annually in the month of January in each year, to the state engineer and surveyor under oath, the amount of capital stock of the company, the amount actually paid in, the amount of all money expended during the year ending on the thirty-first day of December next preceding the time of making such report, specifying the purposes for which such moneys have been expended, the amount received during such year, from all sources, specifying such sources, the amount of dividends made and the amount of the indebtedness of such company, stating the object for which the indebtedness accrued, a detailed statement of all the property of such company, stating the nature and value thereof, and such other particulars in respect to the business affairs of such company as the said state engineer and surveyor, or the legislature, or either branch thereof, require to be so reported, and every corporation formed under this act which shall neglect to make such report as hereby required, shall forfeit to the people of this state, for every such neglect, the sum of two hundred dollars; and for every week, such corporation shall neglect to make such report, after the expiration of the time within which it is required as aforesaid, to make the same, it shall forfeit as aforesaid the further sum of fifty dollars. The state engineer and surveyor shall report to the attorney-general every such forfeiture by whom the same shall be sued for and recovered, with the costs, in the name of the people, and the certificate of the said state engineer and surveyor of any such neglect shall be presumptive evidence thereof.

§ 45. The provisions of this act shall not apply to the city of New York.

§ 46. This act shall take effect immediately.

CHAP. 204.

AN ACT to amend section one of chapter three hundred and forty-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the fire department of the village of Canton."

PASSED May 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and forty-seven of the laws of eighteen hundred and seventy, entitled "An act to incorporate the fire department of village of Canton," is hereby amended so as to read as follows :

§ 1. All persons who now are or hereafter shall become members of the fire engine, hook and ladder, and hose companies, not exceeding in number seventy-five in the engine company, twenty-five in the hose company and fifty in the hook and ladder company in the village of Canton, St. Lawrence county, shall be and are hereby ordained and constituted a body corporate in fact and in name, by the name and style of "the fire department of the village of Canton" and by that name, they and their successors shall have perpetual succession, and shall have a common seal which they may alter at pleasure, and shall be capable of suing and being sued, in all the courts of this state, by and in the corporate name aforesaid ; and also, they and their successors, by the said corporate name, shall be in law capable of purchasing, receiving by gift or otherwise, and holding and conveying any estate, real and personal, for the use of said corporation, provided the amount of the real and personal estate shall not exceed in value the sum of ten thousand dollars.

Fire department created.

Corporate name and powers.

§ 2. This act shall take effect immediately.

CHAP. 205.

AN ACT for the improvement of the navigation of the Hudson river, and to make an appropriation therefor.

PASSED May 1, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of removing obstructions in and improving the navigation of the Hudson river at and between the city of Troy and the town of Coxsackie, by deepening and widening the navigable channel of said river, so as to secure between the state dam and the railroad bridge at Troy, a channel sixty feet wide, with a depth of five feet of water at low tide, and from thence to the lower railroad bridge at Albany, a channel one hundred and twenty-five feet wide with a depth of seven feet of water at low tide, and from thence to the town of Coxsackie a channel one hundred and fifty feet wide with a depth of ten feet of water at low tide.

Appropriation for improving Hudson river.

Work,
how to be
done, etc.

§ 2. The work shall be done under the direction of the state engineer and surveyor, and all payments therefor shall be made only upon sworn statements or estimates of engineers based upon actual measurement of the work done; and the expense of engineering and mapping necessary for the work unless otherwise provided for shall be paid out of this appropriation.

Payment
of drafts.

§ 3. The treasurer shall pay to the parties entitled to receive the same upon the warrants of the comptroller, all drafts of the state engineer and surveyor (when accompanied by the sworn statements or engineer's estimates to be filed therewith), drawn upon said appropriation, and not exceeding in the aggregate the sum hereby appropriated.

§ 4. This act shall take effect immediately.

CHAP. 206.

AN ACT to amend chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-four, entitled "An act in relation to the Brooklyn, Winfield and Newtown Railway Company.

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time to
finish road
extended.

SECTION 1. The first section of chapter five hundred and seventy-five of the laws of eighteen hundred and seventy-four, entitled "An act in relation to the Brooklyn, Winfield and Newtown Railway Company," is hereby amended so as to read as follows:

§ 1. The time within which the Brooklyn, Winfield and Newtown Railway Company is required by law to finish its road and put it in operation is hereby extended for five years from and after the passage of this act.

§ 2. This act shall take effect immediately.

CHAP. 207.

AN ACT to extend the time for the collection of taxes in the town of Brookhaven in Suffolk county.

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Time for
collection
of taxes
extended.

SECTION 1. The time for the collection of taxes now levied and uncollected in the town of Brookhaven, Suffolk county, is hereby extended to the first day of June next; provided that the collector shall pay over all moneys already collected by him, and renew his bond with sureties to the satisfaction of the supervisor of said town, and in such case the warrant shall continue in full force and effect until said first day of June, but nothing herein authorized shall be construed as ex-

tending the time for payment of the state tax or any part thereof by the county treasurer of said county to the comptroller as now required by law.

§ 2. This act shall take effect immediately.

CHAP. 208.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and sixty-three, entitled An act amending the charter of the village of Glens Falls, and empowering the trustees thereof to supply said village with pure and wholesome water.

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter four hundred and fifty-eight of the laws of eighteen hundred and sixty-three, entitled "An act amending the charter of the village of Glens Falls, and empowering the trustees thereof to supply said village with pure and wholesome water," is hereby amended so as to read as follows:

§ 3. In case the said corporation shall fail to agree with the said owners and occupants of any lands or water intended to be taken or used as aforesaid, or intended to be taken or used for any enlargement of, addition to, or extension of the village water works, for the purchase thereof so as to acquire title thereto, then for the purpose of acquiring such title, the trustees of said village may present a petition praying for the appointment of commissioners of appraisal to the supreme court at any special term thereof held in the third department. Such petition shall be signed by one or more of said trustees and verified according to the rules and practice of said court. It must contain a description of the real estate which the village seeks to acquire, and show that the land described in the petition is required for the purpose of constructing, adding to or extending said village water works, and that the trustees of said village have not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have or claim to own or have estates or interests in the said real estate, and if any such persons are infants, or are unknown, that fact must be stated. A copy of such petition, with a notice of the time and place when the same will be presented to the supreme court, must be served on all persons whose interests in the lands proposed to be taken are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court. A copy of such petition and notice shall be served on all parties having an interest in the premises described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service is to be made with some person of suitable age. If any person upon whom such service is to be made is under the age of twenty-one years, such service shall be made as aforesaid on his general guardian, or if he has no such guardian, then on such infant, personally, if he is over the age of fourteen years; if under that age, then on him,

Proceedings to acquire title to lands.

Petition to supreme court for commissioners.

Service of petition.

How service to be made.

Hearing
on the
petition.

Appoint-
ment of
commis-
sioners.

First meet-
ing.

Powers
and duties
of commis-
sioners.

Report.

Confirma-
tion of
report.

Direction
as to
award.
When vil-
lage may
enter
upon
lands.

personally, and also on the person who has the care of, or with whom such infant resides. In case any party to be affected by the proceedings is an infant, and has no general guardian, the court shall appoint a special guardian to attend to the interests of such person in the proceedings, but if a general guardian has been appointed for such infant in this state, it shall be the duty of such general guardian to attend to the interests of such infant, and all notices required to be served in the progress of the proceedings may be served on such general or special guardian. In all cases, not herein otherwise provided for, service or orders, notices and other papers in the special proceedings authorized hereby, may be made as the supreme court shall direct. On presenting such petition to the supreme court, as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all or any of the persons whose estates or interests are to be affected by the proceedings may show cause against the granting of the prayer of such petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition it shall make an order for the appointment of three disinterested freeholders who reside in the county or some adjoining county, where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken, and to fix the time and place for the first meeting of the commissioners. The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution; any one of them may issue subpoenas and administer oaths to witnesses. A majority of them may adjourn the proceedings from time to time in their discretion. Whenever they meet except by the appointment of the court or by adjournment they shall cause reasonable notice of such meetings to be given to the parties interested or their agent or attorney. They shall view the premises described in the petition and hear the proofs and allegations of the parties and reduce the testimony taken by them if any, to writing, and after the case has closed they or a majority of them shall without any unnecessary delay, ascertain and determine the compensation which ought justly to be made by said village to the owners or persons, interested in the real estate appraised by them. They, or a majority of them, shall also determine what sum ought to be paid to the general or special guardian of the infant. The said commissioners shall make a report of their proceedings to the supreme court with the minutes of the testimony taken by them, if any. On such report being made by such commissioners said village or its trustees shall give notice to the parties to be affected by the proceedings or their attorneys according to the rules and practice of said court at a special term thereof for the confirmation of such report, and the court shall thereupon confirm such report and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid, or in what bank, or in what manner it shall be deposited by said village or its trustees; a certified copy of the order so to be made as aforesaid, shall be recorded at full length in the clerk's office of the county in which the land described in it is situated, and thereupon and on the payment or deposit by the said village or its trustees of the sums to be paid as compensation for the land and as directed by said order, the said village

shall be entitled to enter upon, take possession of and use the said land for the purposes of the village water works of said village so long as they shall exist or be maintained or used by said village ; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such real estate for and during such time. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, and to cause new parties to be added and to direct such further notices to be given to any party in interest as it shall deem proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve. In all cases of appraisal under this act and the act hereby amended when the mode or manner of conducting all or any of the proceedings to the appraisal and the proceedings consequent thereon are not expressly provided for hereby, the court before which such proceeding may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object of this and the aforesaid act, and the practice in such cases shall conform as nearly as may be to the ordinary practice in such courts. When any proceedings for appraisal shall have been commenced no change of ownership by voluntary conveyance or transfer of the real estate or any interest therein or of the subject matter of the appraisal shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made. All parts of said act hereby amended, inconsistent herewith, are hereby repealed.

Amend-
ments of
proceed-
ings.

Court em-
powered
to carry
proceed-
ings into
effect.

Appraisals
not
affected by
transfer of
property.

Repeal.

§ 2. This act shall take effect immediately.

CHAP. 209.

AN ACT to amend chapter one hundred and eighty-four of the laws of eighteen hundred and thirty-nine, entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends, passed April seventeenth, eighteen hundred and thirty-nine."

PASSED May 2, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter one hundred and eighty-four, laws of eighteen hundred and thirty-nine, being an act entitled "An act in relation to trusts for the benefit of the meetings of the religious society of Friends, passed April seventeenth, eighteen hundred and thirty-nine," is hereby amended by the addition of three new sections thereto as follows :

§ 3. In case of the death of all the trustees heretofore appointed, or who may be hereafter appointed by virtue of this act, any regular meeting of the religious society of Friends, for whose use and benefit said property was held in trust, may appoint a trustee or trustees in the place of such person or persons, and the person or persons thus appointed by such meeting shall succeed to and be invested with all

Death of
trustees.

the powers, rights and duties conferred by this act and the deed or declaration of trust upon the trustee or trustees.

Sale of
property.

§ 4. The trustee or trustees, or survivor of any trustees, appointed pursuant to this act, may sell, convey and grant or demise any or all of the trust property described in said trust deed or declaration of trust to any person absolutely, or in trust for said meeting, whenever any meeting of said society shall by resolution direct the same to be sold and conveyed; any conveyance of real estate or property so held in trust by any meeting of the religious society of Friends, which may hereafter be made under and in pursuance of a resolution of the said meeting as provided herein, shall be as valid and effectual for the conveyance of the title of any real estate so held in trust, as if the heirs of any trustee who may have died prior to the passage of said resolution had joined in the execution of said conveyance or demise. Any instrument for the sale or demise of said property shall embody the said resolution of said meeting, relating to said sale or demise of said property, and shall be executed by the said trustee or trustees; and in said acknowledgment said trustee or trustees shall make an affidavit that the person or persons so executing said conveyance or demise are the trustee or trustees of said trust property, and that the said resolution embodied in said conveyance or demise was duly passed by said meeting; and the said affidavit thus made shall be prima facie evidence of the facts therein stated.

Deed,
what to
contain.

§ 2. This act shall take effect immediately.

CHAP. 210.

AN ACT to confer additional powers upon corporations organized under chapter four hundred and thirty-eight, laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," and the several acts amendatory thereof.

PASSED May 2, 1878: three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Patrol-
men, de-
tectives,
etc., ap-
pointment
of.

SECTION 1. In addition to the powers now conferred by law upon corporations organized under chapter four hundred and thirty-eight, laws of eighteen hundred and sixty-two, entitled "An act to provide for the formation of societies for the prevention of horse stealing," and the several acts amendatory thereof, it shall be lawful for the president of any such corporation to appoint, by a certificate in writing, such number of patrolmen, riders, messengers or detectives, not exceeding five in number, as may be fixed by the by-laws of any such corporation. Such patrolmen, riders, messengers or detectives shall have full power and authority in the several counties of this state to pursue and arrest with a warrant issued by any magistrate authorized to issue the same, in the county where the offense was committed, any person suspected of having stolen any kind of property named in the first section of said act, and to take into custody and return the person so arrested to the county where the offense was committed,

Their
powers.

and before the magistrate issuing the warrant, to be by him dealt with as provided by law; provided however that the expenses incurred in making such arrests and return of any such persons shall be borne by the corporation causing the arrest to be made. Proviso.

§ 2. This act shall take effect immediately.

CHAP. 211.

AN ACT to amend chapter seven hundred and eighty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Lima, Livingston county."

PASSED May 2, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of title two of chapter seven hundred and eighty-six of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

§ 3. Every inhabitant residing in said village, who shall at the time and place of offering his vote, be qualified to vote for members of assembly, shall be entitled to vote for all officers to be elected by this act; but no person shall be entitled to vote on appropriations of money for village purposes unless his name shall appear on the last village assessment roll for a tax greater than his poll tax and dog tax. Qualifica-
tion of
voters.

§ 2. Section five of title two of said law is hereby amended so as to read as follows:

§ 5. An election shall be held on the second Tuesday of May next, for the election of the officers named in the first section of this title to be elected by ballot by the electors of said village, and annually thereafter, on the last Tuesday of March, of each and every year, for the election of such officers, to be elected by ballot, as may be necessary to supply the places of those whose terms of office shall expire on the first Tuesday succeeding such election, as hereinafter provided, and to supply vacancies. Elections.

§ 3. Section one of title four of said law is hereby amended so as to read as follows:

§ 1. The board of trustees shall meet annually at such place as shall be designated by them on the last Tuesday of February in each year, and at such other times as they shall, by resolution, direct. A majority of the board shall constitute a quorum for the transaction of business. Meetings
of trus-
tees.

§ 4. This act shall take effect immediately.

CHAP. 212.

AN ACT to establish the right of citizens of this state to carry on their business in all parts thereof.

PASSED May 8, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Citizens of state not to be restricted in right to carry on business in other parts of state.

SECTION 1. It shall not be lawful for the authorities of any county, city or village to impose upon the inhabitants of any other county, city or village within this state, carrying on or desiring to carry on any lawful trade, business or calling within the limits thereof, any restriction or condition whatever except such as may be necessary for the proper regulation of such trade, business or calling and such as apply equally and impartially to the citizens of all parts of the state alike, and all ordinances in violation of the provisions of this act are hereby declared to be null and void.

§ 2. This act shall take effect immediately.

CHAP. 213.

AN ACT extending the time for the completion of the New York and New England railroad.

PASSED May 8, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the building and completion of the railroad of the New York and New England Railroad Company is hereby extended three years from the time now fixed by law for the building and completion of the same.

§ 2. This act shall take effect immediately.

CHAP. 214.

AN ACT to authorize the commissioners of the sinking fund of the city and county of New York to convey certain lands to the "Home for Aged and Infirm Hebrews of New York."

PASSED May 8, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Conveyance authorized.

SECTION 1. The commissioners of the sinking fund of the city and county of New York are hereby authorized and empowered to assign, grant and convey to the "Home for Aged and Infirm Hebrews of New York," upon such terms and conditions as may be agreed upon,

all the right, title and interest of the city of New York in and to that certain piece or parcel of land situate, lying and being in the nineteenth ward of the city of New York, and bounded by Sixty-seventh street, Third avenue, Sixty-eighth street and Lexington avenue, or so much of the same as they may deem suitable for the erection thereon of a "Home for Aged and Infirm Hebrews;" provided, however, that the said piece or parcel of land, or any part thereof, shall not be assigned, granted or conveyed except on such terms as the common council of said city may by resolution determine. Proviso.

§ 2. This act shall take effect immediately.

CHAP. 215.

AN ACT to furnish approved arms to the Albany Burgesses Corps.

PASSED May 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The chief of ordnance, under the direction of the commander-in-chief of the military forces of the state, may issue and deliver to the Albany Burgesses Corps, a uniform military company created by the act of the legislature of the state, passed May sixth, eighteen hundred and thirty-four, such number of approved arms not exceeding eighty as the commander thereof may request, upon security being given for the safe keeping and return of the same of such amount and character as the commander-in-chief shall require. Arms may be issued to.
Security.

§ 2. This act shall take effect immediately.

CHAP. 216.

AN ACT relating to the state survey, and making appropriation therefor.

PASSED May 6, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. In order to define the objects of the state survey, to limit the expense thereof, and to provide for its speedy completion, the following commissioners, William A. Wheeler, Horatio Seymour, Robert S. Hale, William Dorsheimer, Francis A. Stout, George Geddes and Frederick A. P. Barnard, are hereby reappointed to conduct the same in accordance with their last report to the legislature namely: The work is to be confined to fixing such meridian and other lines and points as are necessary to give correct bases for county, town and other surveys, so that they may be of permanent value at any time in the future. Commissioners to conduct survey.

§ 2. The said commissioners shall elect one of their number as their president. At any regularly called meeting of the board, three commissioners shall constitute a quorum. No compensation shall be paid President.
Quorum.
Compensation.

Report. to the commissioners under this act, but they may be repaid the expenses incurred in the discharge of their duties. A report shall be made annually by the commissioners to the legislature, showing in detail all expenditures and proceedings, and, so far as practicable, all results obtained by virtue of this act.

Payments, how made. § 3. All payments made to carry out this act shall be upon the certificate of a majority of said commissioners. The comptroller is hereby authorized to pay the same upon the presentation of such certificate.

Appropriation. § 4. The sum of fourteen thousand three hundred dollars is hereby appropriated for the purposes of this act, out of any moneys in the treasury not otherwise appropriated, which shall be paid by the treasurer, on the warrant of the comptroller.

§ 5. This act shall take effect immediately.

CHAP. 217.

AN ACT for the relief of the Buffalo Eye and Ear Infirmary.

PASSED May 7, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action of supervisors authorizing payment of money to, confirmed. SECTION 1. The action of the board of supervisors of the county of Erie authorizing and directing the treasurer of said county to pay to the Buffalo Eye and Ear Infirmary the sum of five hundred dollars, upon receiving a certified copy of an act of the legislature confirming such action, is hereby confirmed and, in all respects, ratified and declared valid. And it shall be lawful for said county treasurer to pay the same as directed in the manner and out of the fund designated by said board of supervisors.

Appropriations, supervisors may make, etc. § 2. The board of supervisors of said county of Erie are hereby authorized, from time to time, to make such appropriations in aid of the Buffalo Eye and Ear Infirmary as they may deem proper, and to designate the fund out of which the same shall be payable. And the county treasurer of said county shall pay all such appropriations out of the designated fund, upon the warrant of the chairman and clerk of said board of supervisors. But the appropriations so to be made shall not, in any one year, exceed the sum of two thousand five hundred dollars.

Limitation.

§ 3. This act shall take effect immediately.

CHAP. 218.

AN ACT to amend chapter four hundred and forty-three of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto."

PASSED May 7, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and forty-three of the laws of eighteen hundred and seventy-six, entitled "An act supplemental to the act entitled 'An act to revise the charter of the city of Syracuse,' passed March third, eighteen hundred and fifty-seven, and the acts amendatory thereto," is hereby amended so as to read as follows:

§ 4. On the nomination of the mayor, the common council of said city may appoint a city attorney to prosecute and defend all actions and legal proceedings by and against said city, and to perform such other professional services relating to the affairs of said city, and the several departments thereof, as the mayor shall direct. The city attorney so appointed shall hold his office two years, and shall receive a salary to be fixed annually by the common council; and, in addition to such salary, he may retain for himself the taxable costs in any action or proceeding brought or defended by him in which the said city shall prevail, provided the same be collected of the party adverse to the city in such action or proceeding. No action shall be commenced by such city attorney, unless directed by the mayor.

City attorney, appointment, etc.

§ 2. This act shall take effect immediately.

CHAP. 219.

AN ACT in relation to evidence in civil and criminal cases.

PASSED May 7, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any act, ordinance, resolution, by-law, rule or proceeding of the common council of a city, or of the board of trustees of an incorporated village, or of a board of supervisors of any county within this state, and any recital of occurrences taking place at the sessions of any thereof may be read in evidence on any trial, examination or proceeding, whether civil or criminal, either from a copy thereof certified by the clerk of the city, village, common council or board of supervisors, or from a volume printed by authority of the common council of the city or board of supervisors of the county.

Evidence of acts, ordinances, etc., of municipal corporations.

§ 2. This act shall take effect immediately.

CHAP. 220.

AN ACT for the protection of dairymen and dealers in milk, and to prevent deception in the sale of milk.

PASSED May 7, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Skimmed
milk.

SECTION 1. Every person who shall sell, or who shall offer or expose for sale, any milk from which the cream, or any part thereof, has been removed, shall distinctly and durably mark, in letters not less than one inch in length, in a conspicuous place, above the centre, upon the outside of every can, vessel or package containing such milk, the words "skimmed milk," and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

Sale of,
milk out
of county.

§ 2. Every person who shall sell, or who shall offer or expose for sale, any milk, except in any county in which the same is produced, shall distinctly and durably mark with letters not less than one inch in length, in a conspicuous place, above the centre, on the outside of every can, vessel or package containing such milk, the name of the county from which the same is produced, and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

Penalty.

§ 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and in addition thereto, be liable to a penalty of fifty dollars, and, on trial for such misdemeanor or penalty the sale, or offer or exposure for sale, of milk or articles contrary to the provisions of this act shall be presumptive evidence of knowledge by the accused of the character of the milk or article so sold or offered or exposed for sale, and that the can, vessel or package was not marked as required by this act.

Penalties,
how recov-
ered.

§ 4. All penalties imposed under the provisions of this act may be recovered, with costs of suit, by any person or persons, in his or their own names before any justice of the peace in the county where the offense was committed, or where the defendant resides, or where such suit shall be brought, in the city of New York, before any justice of any of the district courts or the marine court of said city, or such penalties may be recovered in an action in the supreme court of this state by any person or persons in his or their own name, which action shall be governed by the same rules as other actions in said supreme court, and said penalties when collected shall be paid by the court before which recovery shall be had, one-half to the prosecutor and the remainder to the overseer of the poor, for the use of the poor of the town in which the offense was committed, and in cities to the persons holding the like relations as overseer of the poor.

How pen-
alties
divided.

Imprison-
ment.

Jurisdic-
tion.

§ 5. On the non-payment of the penalty, the defendant shall be committed to the common jail of the county for a period of not less than one day for each dollar of the amount of the judgment. Any court of special sessions in this state shall have jurisdiction to try and dispose of all and any of the offenses arising in the same county against the provisions of this act, and every justice of the peace shall have jurisdiction within his county of actions to recover any penalty hereby given or created.

§ 6. This act shall take effect immediately.

CHAP. 221.

AN ACT conferring additional powers upon the board of trustees of the village of Havana, county of Schuyler.

PASSED May 7, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The trustees of the village of Havana, in the county of Schuyler, are hereby authorized and empowered to require, by ordinance, any owner or occupant of the lands within the corporate limits of said village, through or along which any stream of water may flow, to remove from the bed or channel or slope of the bank of such stream all sand, gravel, alluvium, drift wood, brush, shrubs or trees, whether living or dead, or any other thing or things whatsoever which may constitute an obstruction to the free passage of the water in such stream, and which, from time to time, from any cause, may be deposited or placed therein, within fifteen days from the service upon such owner or occupant of notice of the passage of such ordinance as hereinafter provided for; and, in case such owner or occupant shall fail or neglect, for said fifteen days, to remove such obstruction or obstructions by said ordinance required to be removed, it shall then become lawful for the trustees to enter upon said lands or any lands necessary for that purpose, and remove, in any suitable manner, said obstruction or obstructions, at the expense of the village. The owner or occupant of said lands shall, by his refusal or neglect to comply with the said ordinance, be deemed to have forfeited such sand, gravel or other material and all right to compensation therefor, and the said board of trustees may use or dispose of the same in such manner as it may deem for the best interests of the village. Notice of the passage of the ordinance requiring the removal of such obstructions shall be served upon the persons and in the manner provided in the charter of said village for serving of notice of ordinance requiring repairs to sidewalks.

Removal
of obstruc-
tions in
streams.

When
trustees
may re-
move at
expense of
village.

Forfeiture
of mate-
rial, etc.

Notice,
how
served.

§ 2. It shall be unlawful for any person to place or deposit, or cause to be placed or deposited, in the bed or channel of any of the water-courses within the corporate limits of said village, any of the obstructions hereinbefore named, or any obstructions whatever, or to plant or cause to be planted upon the slope of the banks of such water-courses any willows or other trees, or build or cause to be built upon such slope any docking or abutment which may tend to obstruct the flow of the water in such water-courses. In case any person shall offend against the provisions of this section, the trustees may remove such obstructions and cut down, dig up and carry away such tree or trees, brush or other obstruction, and they may charge the expense of such removal to the land belonging to the person creating said obstruction, and collect the same in the manner now provided by the charter of said village for the collection of charges for repairs to sidewalks. Any person placing or causing to be placed any such obstruction shall also be liable to a penalty of five dollars for each offense, to be sued for and collected in the name of the village; the same when collected to be paid into the contingent fund of said village.

Obstruct-
ing water-
courses
prohib-
ited.

Removal
of obstruc-
tions by
trustees.

Expense,
how col-
lected.

Penalty.

Expense charged to contingent fund.

Amount limited.

Approval.

§ 3. The expense of any work performed or caused to be performed by the trustees under the provisions of the two sections last preceding shall be charged to the conting^ed * fund of said village, but the amount to be expended in such work shall not in any year exceed the sum of three hundred dollars. Any action taken under the provisions of this act shall require the approval of a majority of the board of trustees of said village.

§ 4. This act shall take effect immediately.

CHAP. 222.

AN ACT to prevent fraud in the manufacture and sale of commercial fertilizers.

PASSED May 7, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Certificate bearing name, etc., to be affixed.

SECTION 1. Every person in this state who shall dispose of any commercial fertilizer, by sale or otherwise, shall affix to every barrel, sack, box or package thereof, in a conspicuous place on the outside thereof, a plainly written or printed certificate, bearing a name or trade-mark by which such fertilizer may be known and designated, and specifying the name and residence of the manufacturer or vendor and the date of the manufacture of such fertilizer. The said certificate shall also specify the percentages which such fertilizer contains, of phosphoric acid soluble in water, of total phosphoric acid of potash, of nitrogen soluble in water, and of total nitrogen or the equivalent ammonia.

Penalty.

§ 2. For failing to affix to every such barrel, sack, box or package of fertilizer the certificate hereinbefore required, the party disposing of such barrel, sack, box, or package shall forfeit to the purchaser thereof the sum of one hundred dollars, and for affixing a false certificate to any barrel, sack, box or package of fertilizer, the party disposing of such barrel, sack, box or package, shall forfeit to the purchaser thereof the sum of two hundred dollars.

Chemical analysis, when certificate not to be deemed false by.

§ 3. Whenever a correct chemical analysis of any commercial fertilizer disposed of in this state, shall show a deficiency of not more than one-fourth of one per cent of any one of the chemical substances whose percentages are specified in the certificate hereinbefore required, such certificate shall not be deemed false within the meaning of this act.

Action for forfeitures.

§ 4. For the recovery of the forfeitures provided in the second section of this act, the purchaser of any commercial fertilizer may bring an action which shall be tried in the county where said purchaser resides.

Definition.

§ 5. The term "commercial fertilizer," used in this act, shall be taken to mean any and every substance imported, manufactured, prepared or disposed of for fertilizing or manuring purposes; provided, however, that the provisions of this act shall not apply to marl or to fertilizers disposed of at one-half cent or less per pound, nor to guano,

* So in the original.

the chemical composition of which has not been changed by the vendor, or any other person since its importation.

§ 6. This act shall take effect on the first day of August, eighteen hundred and seventy-eight.

When act
to take
effect.

CHAP. 223.

AN ACT regulating the term of office of supervisors in the counties of Otsego, Steuben and Livingston.

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The term of office of the supervisors of the several towns in the counties of Otsego, Steuben and Livingston, after the year one thousand eight hundred and seventy-eight, shall be two years.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAP. 224.

AN ACT to establish and settle the bulkhead and pier lines for Newtown creek in the port of New York.

PASSED May 8, 1878, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The bulkhead and pier lines adjacent to the shores of Newtown creek shall hereafter be established and settled according to the lines and surveys as designated upon the map now in the office of the state engineer, made in eighteen hundred and seventy-seven, by A. Doerflinger, signed and verified by General A. A. Humphries, chief of the United States engineers, Captain O. P. Patterson, head of the coast survey, and General John Newton, chief of engineers of the United States army.

Bulkhead
and pier
lines, how
estab-
lished
hereafter.

§ 2. These lines are described as follows: The new pier and bulkhead lines on the Brooklyn side of Newtown creek will begin at a point situated at the extremity of a line parallel to and two hundred feet to the eastward of the easterly line of Duck street; four hundred and thirty feet from the intersection of said line with the northerly line of Paidge avenue, and running thence north sixty-five degrees east forty-five minutes west, twelve hundred and fifty-three feet, intersecting the easterly line of Pequod street four hundred and seventy-five feet from the northeast corner of Paidge avenue and Pequod street; thence north seventy-one degrees fifty minutes west, five hundred feet, intersecting the easterly line of Shannett street four hundred and sixty-one feet from the northeast corner of Paidge avenue and Shannett street; thence north seventy-four degrees three minutes west, two hundred and twenty feet, intersecting the westerly line of Oakland street two hundred and twenty-one feet from the northwest corner of Ash and Oakland streets; thence north seventy-nine

Descrip-
tion of
new lines
on Brook-
lyn side.

degrees forty-nine minutes west, two hundred and sixty-three feet ; thence north eighty-six degrees ten minutes west, ninety-three feet ; thence south eighty-nine degrees thirty minutes west, one hundred and fifteen feet ; thence south eighty-four degrees thirty-nine minutes west, two hundred and sixty-eight feet, intersecting the easterly line of Union avenue, three hundred and seventy-six feet from the northeast corner of Union avenue and Ash street ; thence south eighty-two degrees fifty-five minutes west, one hundred and nineteen feet ; thence south seventy-nine degrees thirty-six minutes west, one hundred and forty-eight feet ; thence south seventy-four degrees thirty-eight minutes west, eighty-five feet, at which point the line connects with the line recommended by the special board for the revision of pier and bulkhead lines in eighteen hundred and seventy-five. The pier line continuing from this last point runs south fifty-six degrees twenty-six minutes west, four hundred and forty feet to its intersection with the easterly line of Ann street, five hundred and five feet from the northeast corner of Ann and Commercial streets ; thence south fifty-five degrees fifty-four minutes west, five hundred and twenty-three feet, to its intersection with the easterly line of Pink street, five hundred and twenty-four feet from the northeast corner of Pink and Commercial streets ; thence along a gentle curve tangent to the last mentioned course and intersecting the southerly line of Clay street ten hundred and twenty-six feet from its intersection with the easterly line of Franklin avenue, the southerly line of Dupont street, twelve hundred and seventy-eight feet from its intersection with the easterly line of Franklin avenue and the southerly line of Eagle street fourteen hundred and thirty-eight feet from its intersection with the easterly line of Franklin avenue.

Description of new lines on Long Island city side.

The new pier and bulkhead line on the Long Island city side of the creek from its point of beginning to where it connects with the line recommended by the special board in eighteen hundred and seventy-five, is parallel to and two hundred and fifty feet distant from the line on the opposite side of the creek, and is described as follows : Beginning at a point laying in the prolongation of the westerly line of Hayward street, seven hundred and eighteen feet distant from its intersection with the southerly line of Borden avenue, and running thence north sixty-five degrees forty-five minutes west, twelve hundred and sixty-one feet, intersecting the easterly line of Oliver street, six hundred and seven feet from the southeast corner of Borden avenue and Oliver street ; thence north seventy-one degrees fifteen minutes west, five hundred and seventeen feet, intersecting the easterly line of Van Alst avenue four hundred and eighty-seven feet from the southeast corner of Borden and Van Alst avenues ; thence north seventy-four degrees thirty-three minutes west, two hundred and thirty-eight feet, intersecting the westerly line of East avenue four hundred and fifty-eight feet from its intersection with the southerly line of Borden avenue as at present built ; thence north seventy-nine degrees forty-nine minutes west, two hundred and eighty-nine feet ; thence north eighty-five degrees ten minutes west, one hundred and thirteen feet ; thence south eighty-nine degrees thirty minutes west, one hundred and thirty-six feet ; thence south eighty-four degrees thirty-nine minutes west, two hundred and eighty-five feet, intersecting the westerly line of Vernon avenue one hundred and forty-eight feet from the southwest corner of Vernon avenue and Flushing street, eighty-two degrees fifty-five minutes west, one hundred and thirty-

two feet; thence south seventy-nine degrees thirty-six minutes west, one hundred and sixty-nine feet; thence south seventy-four degrees thirty-eight minutes west, two hundred and eight feet, to its intersection with the easterly line of West avenue three hundred and eighteen feet from the southeast corner of West avenue and Flushing street, at which point the line connects with and thereafter follows the line recommended by the special board in eighteen hundred and seventy-five; continuing from this last point, the line runs south sixty-six degrees six minutes west, seventy-eight feet; thence south fifty-six degrees fifty minutes west, six hundred and ten feet; thence south sixty-three degrees fifty minutes west, eleven hundred and seventy feet to the East river exterior line; thence up the East river along a gentle curve, intersecting the southerly line of Pier street five hundred and nine feet from the southwest corner of Pier and River streets, the southerly line of Dock street four hundred and ninety-nine feet from the southwest corner of Dock and River streets, the southerly line of Pidgeon street seven hundred and forty feet from the southwest corner of Pidgeon and Front streets, the southerly line of Flushing street seven hundred and eleven feet from the southwest corner of Flushing and Front streets, and the southerly line of First street six hundred and seventy-one feet from the southwest corner of First and Front streets. The above is a description of the new pier and bulkhead lines.

§ 3. The unappropriated lands adjacent to the shores of Newtown creek lying under water within the limits of the lines hereby established, are hereby vested in the respective owners of the adjacent property. Unappropriated lands within lines.

§ 4. Nothing contained in this act shall be construed to close, discontinue or change any street or avenue now lawfully opened or located as extending to the line of Newtown creek, either in the city of Brooklyn or in Long Island City, but such streets and avenues shall be deemed to be extended to the bulkhead and pier lines upon the respective sides of Newtown creek as established by this act. Act, how construed.

§ 5. All acts and parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed. Repeal.

§ 6. This act shall take effect immediately.

CHAP. 225.

AN ACT to change the boundary of the village of Hempstead in the county of Queens.

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that territory or part of the village of Hempstead in the county of Queens lying north of the following described line namely:

Beginning at a point on the westerly boundary line of said village, one hundred and thirty-six chains and fifty-nine links, southerly from the north-westerly corner of said village; thence running north eighty-one degrees and fifteen minutes east, five chains and seventy-six links; Description of territory taken from village.

thence north eighty-two degrees and forty-five minutes east, one chain and fifty-four links; thence north eighty-five degrees east, seven chains; thence north fifteen degrees and thirty minutes east, one chain and eighty-eight links; thence north sixty-eight degrees and fifteen minutes east, thirty-four chains and seventeen links; thence north eighty-one degrees east, one chain and sixty-five links; thence south fifty-five degrees and fifteen minutes east, two chains and fifty-nine links; thence north twelve degrees west, one chain and seventy-nine links; thence north eighty-one degrees east, to the easterly boundary line of said village of Hempstead, shall, from and after the passage of this act cease to be a part of the said village of Hempstead.

§ 2. This act shall take effect immediately.

CHAP. 226.

AN ACT to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county."

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to the collection of taxes and the sales of land therefor in certain towns of Queens county," is hereby amended so as to read as follows:

List of
unpaid
taxes, pub-
lication of.

Notice of
sale and
contents
thereof.

Publica-
tion, how
made.

§ 15. The county treasurer shall at any time within twelve months after the delivery to him of the final return of the said receiver or collector, cause a list of all unpaid taxes or assessments in each town, with the percentage and interest added, and the description of the premises as contained in the assessment roll of said town, to be published once a week for eight consecutive weeks next preceding the day fixed for the sale of said lands, together with a notice that if the said taxes with the percentage and interest added, and the expense of publication and the county treasurer's charges, be not paid to the county treasurer before the appointed day of sale, the lots, plots or parcels of land described in said notice will be sold at public auction at a place in said town therein to be specified, and at the time specified in said notice, for the shortest period of time that any person or persons may offer to take the same, in consideration of advancing the said tax with the percentage, interest and expenses that shall have accrued thereon, at the time of such sale; such publication shall be made in two weekly newspapers published in such town, which will publish the same for the sum fixed by this act. The county treasurer shall designate the paper or papers in which the same shall be published. In case the county treasurer shall not be able to arrange for such publication in any paper or papers published in said town, then in one or two weekly papers published in the town adjoining; but such advertisement shall not in any case be awarded to two

papers owned or controlled by the same person. And the county treasurer shall cause a printed copy of said list and notice to be posted in at least six of the most public places in said town, one of said places to be the town hall or the town clerk's office in said town, at least four weeks before the day fixed for the sale of said lands; each newspaper in which such publication shall be made shall receive therefor the sum of twenty-five cents for every lot, plot or parcel of land separately assessed of any property described or assessed by its map number, or any town assessment map, farm or other map, or the description of which occupies but one line in such publication, and for every lot, plot or parcel of land not so described or assessed, and the description of which occupies more than one line, twenty-five cents for the first line, and ten cents for each subsequent line, and in those towns where the said description occupies more than one column in width, the sum of thirty-five cents shall be charged and received for the first line, and ten cents for each subsequent line. If the amount mentioned in said notice and the expense of publication, and the county treasurer's charges, shall be paid to the county treasurer within the time limited by the said notice, the county treasurer shall deliver to the person making such payment a receipt therefor, expressing each item separately, and all further proceedings shall be discontinued.

Posting of list and notice.

Compensation for publication.

When proceedings to be discontinued.

§ 2. The sixteenth section of said act is hereby amended so as to read as follows:

§ 16. The county treasurer, at the time and place of sale mentioned in said notice, shall cause such lands and premises to be sold at public auction for the payment of such taxes and assessments, or such part thereof as may be remaining unpaid, and the percentage and interest thereon, together with the expenses of advertisement and sale. Contiguous lots assessed in bulk shall be sold in bulk and not separately. The sale shall be for the shortest term of years for which any person will take the premises and pay the amount of tax or assessments, with the percentage, interest and expense. The right of redemption in all cases of sale, within fifteen months from the day of sale, shall exist to the owner of the premises sold, or to any other person claiming an interest therein, by the payment of the amount bid at such sale, with interest at the rate of twelve per cent per annum, calculated from the day of sale to the time of making such redemption, and the further sum of one dollar for each and every notice served in pursuance of the eighteenth section of this act, and verified by affidavit filed in said county treasurer's office, such payment to be made to the county treasurer for the use of the purchaser or purchasers, or the legal representative or assigns of such purchaser or purchasers, and a certificate of the fact of such payment having been made in redemption of the said premises shall be delivered by the county treasurer to the party redeeming. Upon a sale being made, the county treasurer shall give to the purchaser or purchasers a certificate in writing, subscribed by said county treasurer, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same was sold, the amount of the tax or assessment, with the percentage, interest and expenses for which the sale was made, the name of the owner or owners of the premises if the same shall appear on the assessment roll, and the time when the purchaser will be entitled to a lease of the premises in case the same be not redeemed.

Sale of lands.

Manner of sale.

Right of redemption.

Certificate of sale.

§ 3. The eighteenth section of said act is hereby amended so as to read as follows:

Notice by purchaser to owner and mortgagee.

Affidavit of service, etc.

Execution and delivery of lease, etc.

Possession, how obtained.

Removal of buildings.

County treasurer may conduct sale.

When lands to be struck off to town.

Fees and expenses.

Assignment of

§ 18. In case of all parcels of land assessed upon any assessment roll in said county, the purchaser at such tax sale shall cause a notice to be served within one year after the date of the sale, on the owner and mortgagee of any such parcel bought at such sale either personally or by mail, addressed to such owner and mortgagee at his post-office address, if within the county of Queens, and if not within such county, then to be served upon said mortgagee by mail duly directed to such mortgagee at his post-office address to be ascertained by such purchaser as near as can be from the records of Queens county, which notice shall state the sale of such parcel, the date of sale, the time of redemption, and the amount for which sold, for which notice the purchaser shall be allowed the sum of one dollar to be paid by the party redeeming; an affidavit of the mode of such service, with a copy of the notice served, shall be filed in the office of the county treasurer within thirty days after such service, and such affidavit shall be presumptive evidence of such service. In case the premises sold shall not be redeemed within the time limited for that purpose, the county treasurer shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, subscribed by the county treasurer making the sale or by his successor in office, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale; which lease shall be presumptive evidence that such tax was legally imposed, and that the proceedings and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution and shall and may lawfully hold and enjoy the premises during the time specified in the lease against the owner or owners thereof and all persons claiming under such owner or owners, provided the notice above referred to has been served as directed in this section; an affidavit of the mode of such service with a copy of the notice served shall be filed in the office of the county treasurer within thirty days after such service, and such affidavit shall be presumptive evidence of such service. The person or persons lawfully holding such lease may, at the expiration of the term of said lease, and within thirty days thereafter, remove all buildings put on the premises during the term of the lease in the exercise of the right of occupancy under such lease.

§ 4. The nineteenth section of said act is hereby amended so as to read as follows:

§ 19. All sales for taxes under and by virtue of this act may be conducted by the county treasurer in the town where the lands to be sold are located and assessed, without employing a public auctioneer, unless he should elect so to do at his own expense, and said county treasurer shall continue the sale from day to day, until the same shall be completed. On the day fixed for the sale of said lands, should no bid be made for any of the lots or parcels that may be offered for sale, the county treasurer shall strike off such lots or parcels of land to the town in which such lands are located and assessed, for the term of one thousand years. The county treasurer's fees and expense of publication, as provided by this act, on all lots or parcels struck off to any town, shall be a charge against said town. The supervisor of said town is hereby authorized to assign the certificate of sale of any lot

or parcel of land so sold, to any person who offers to take the said lots or parcels and pay the amount for which said lots or parcels were struck off, and the expense of publication and county treasurer's fees, as defined by this act thereon, with interest thereon at the rate of twelve per cent per annum, and the sum of twenty-five cents for such assignment; or to sell the said certificates or any lease executed to such town under this act at public auction to the highest bidder, and thereupon to execute the proper assignments to convey the same to the purchaser.

certificates, etc.

§ 5. The twenty-first section of said act is hereby amended so as to read as follows:

§ 21. The county treasurer shall be allowed, in case the proceedings be discontinued before the sale, in accordance with the provisions of this act, the amount actually paid by him for publication in newspapers as aforesaid, and for his own fees upon the same, the sum of one dollar for every lot, plot or parcel so assessed; in case of sale he may charge and receive for each lot or parcel separately assessed and sold the sum of one dollar and fifty cents, besides the sum paid for publication; in case a lease is given, he may charge and receive the further sum of one dollar, to be paid by the person receiving such lease, and for making and certifying a search for unpaid taxes, sales for unpaid taxes and redemption from such sale, the said county treasurer shall be entitled to demand and receive for the search and certificate, three dollars, which fees, as herein provided, shall be in full for all charges of said county treasurer for services and expenses required under the provisions of this act, or of any law relating to the sales of lands for unpaid taxes in either of said towns.

Allowances to county treasurer.

§ 6. The parts of this act affecting the fees, percentage or allowances of the county treasurer of Queens county shall go into effect at the end of the term for which he was elected; and the remainder of this act shall take effect immediately.

When act to take effect.

CHAP. 227.

AN ACT to authorize the railroad commissioners of the town of Skaneateles to sell and convey the stock owned by said town in the Skaneateles railroad, and to provide for the disposition of the proceeds thereof.

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The railroad commissioners of the town of Skaneateles, at any time within two years after the passage of this act, are hereby authorized and empowered to sell the capital stock now owned by said town in the Skaneateles railroad company, at public sale, the whole thereof in bulk or in lots of five or more shares, and to execute and deliver all necessary papers in behalf of said town, to convey and perfect title in and to the same.

Commissioners may sell stock.

§ 2. The sales hereby authorized may be for cash or upon credit in the discretion of said commissioners, and if upon credit, such time

Sales may be for cash or credit.

may be given as the commissioners aforesaid may deem advantageous, such security being taken for the purchase-price as in the judgment of the commissioners shall be deemed sufficient.

Contracts. § 3. The commissioners aforesaid are hereby authorized and empowered in their own names as such commissioners, to enforce any contract made for the sale and purchase of such stock, and to abandon any contract to enforce which an application to the courts might be required, and thereafter to resell as hereinbefore provided.

Supervisor to execute bond, etc. § 4. The supervisor of said town of Skaneateles, upon notification of the sale of such stock, shall forthwith, and before any of the proceeds derived therefrom are paid over to him, execute and deliver to the town clerk of said town a bond with two or more sufficient sureties, to be approved by said town clerk, in the penalty of double the amount of such proceeds, conditioned for the faithful disbursement, safe keeping and accounting for the same.

Transfer of proceeds to supervisor. § 5. Upon the receipt by said commissioners of a certificate of the town clerk aforesaid, that the bond aforesaid has been filed as herein provided, the commissioners shall pay over to such supervisor all moneys received from the sale of such stock, and if securities shall have been taken, such securities, with the accompanying evidences of indebtedness.

Succeeding supervisors to execute bonds, etc. § 6. Every succeeding supervisor of said town, before he shall be entitled to receive or demand from his predecessor in office any of the moneys or securities derived from the sale of such stock, shall execute and deliver to the town clerk of said town a bond, with two or more sureties approved by said town clerk, in the penalty of double the amount of such moneys or securities remaining unexpended, conditioned for the faithful disbursement, safe keeping and accounting for such moneys and securities; and no supervisor shall be credited or allowed any payment of such moneys or delivery of such securities made to his successor in office, (or his bond be released) before such successor shall have delivered to him a certificate of the said town clerk that the bond herein required (of him) has been duly executed, approved and filed.

Proceeds of sale, how applied. § 7. The moneys realized from the sale of such stock shall be appropriated and applied by the said supervisor to the payment of the indebtedness of said town and to defray the expenditure thereof as such indebtedness and expenditures become due and payable.

When office of commissioner to cease. § 8. From and after the sale of such stock, and the transfer of the proceeds thereof to the supervisor of said town, as herein provided, the office of railroad commissioner of said town shall cease, and all laws now existing and relating to such office inconsistent herewith are hereby repealed.

§ 9. This act shall take effect immediately.

CHAP. 228.

AN ACT to amend chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-four, entitled "An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the state, by resolution of the respective boards of supervisors."

PASSED May 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter one hundred and ninety-seven of the laws of eighteen hundred and sixty-four, entitled "An act to amend the several acts relating to taxes upon dogs, so far as relates to the county of Ontario, and providing for the extension of the provisions thereof to the several counties of the state, by resolution of the respective boards of supervisors," is hereby amended by adding thereto and inserting therein, after section four thereof, the following, as section five, namely:

§ 5. Whenever the amount of the order or orders for damages, given by the town auditors to the owner or owners of sheep killed or injured by dogs, shall exceed the amount of the dog fund in the hands of the supervisor of such town, it shall be lawful for the board of supervisors to add to the accounts of said town, the amount of such order or orders then due and unpaid; but such sum shall in no case exceed the amount theretofore received into the dog fund of said town, and diverted therefrom for the purpose of building and repairing roads and bridges, or for the payment of contingent expenses of such town, for the three years next preceding the date of such order or orders.

Tax to pay
orders for
sheep
killed.

§ 2. Sections five, six, seven, and eight of said act are hereby numbered respectively, six, seven, eight and nine.

§ 3. This act shall take effect immediately.

CHAP. 229.

AN ACT to amend chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight, entitled "An act to annex the village of West Mount Vernon, in the county of Westchester, to the village of Mount Vernon in said county; to confirm the tax sales heretofore held in the said village of West Mount Vernon, and to provide for the division of the said village of Mount Vernon into wards after the annexation of the said village of Mount Vernon."

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and thirty-one of the laws of eighteen hundred and seventy-eight is hereby amended so as to read as follows:

Village
officers,
when
terms of
office shall
expire.

Taxes.

Debts.

§ 2. The several officers now elected, qualified and acting as officers of the village of West Mount Vernon, under existing laws, shall continue to act as such, with all their present powers, until ten days after the elections provided for in section six of this act. The collector of taxes of the said village of West Mount Vernon shall continue in the manner provided by the law under which he was appointed, in the execution of his duties, until ten days after the elections provided for in section six of this act, and said collector shall make return of and pay over all said taxes and assessments, as required by law, and all moneys so collected and paid over shall be applied by the trustees of the said village of West Mount Vernon, previous to the annexation of said village of West Mount Vernon to the village of Mount Vernon, and by the trustees of the village of Mount Vernon after said annexation, if any of said moneys shall then remain unexpended, to the satisfaction and discharge of the obligations incurred by said village of West Mount Vernon, in anticipation of the collection of said taxes and assessments; and any debts or obligations lawfully owing or incurred by the said village of West Mount Vernon, remaining unpaid in whole or in part at the time of annexation, shall be a charge against the village of Mount Vernon, and may be recovered in like manner as other debts against said village.

§ 2. This act shall take effect immediately.

CHAP. 230.

AN ACT to legalize the state and county taxes in the city of Cohoes, Albany county, for the years eighteen hundred and seventy, eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven, and to provide for the collection thereof, and to authorize the sale of lands in the city of Cohoes for unpaid state and county taxes.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sale of
real estate
for unpaid
taxes.

Lands,
when to be
sold.

SECTION 1. It shall be the duty of the chamberlain of the city of Cohoes, and he is hereby invested with power and authority to sell real estate in the city of Cohoes upon which the state and county taxes are unpaid on the first day of May next after the said taxes are laid.

§ 2. Whenever any tax charged on real estate, and the interest thereon at the rate of two per cent per month, to be calculated from the time when such tax was payable, shall remain unpaid on the first day of May next after the said taxes are laid, the said chamberlain shall proceed to advertise and sell such real estate in the manner herein-after provided, for the payment of such tax and interest and the expense of such sale, which expenses are to be estimated by said chamberlain. The estimated expenses of publishing lists of lands, and of advertising the same, shall be a charge on the lands advertised and shall be added to the taxes and interest thereon.

§ 3. The said chamberlain shall immediately after the first day of May in each year cause to be published once a week, for six successive weeks, in one of the public newspapers of the city of Cohoes, a list or statement of the real estate liable to be sold, with the taxes and charges and the interest thereon computed to the day of sale, and also a notice that the said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and the succeeding days thereafter be sold at public auction, at the chamberlain's office in the city of Cohoes, for the lowest term of years for which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale.

Lists of
lands, pub-
lication of.

Notice of
sale.

§ 4. The purchasers at such sales shall pay the amount of their respective bids to the said chamberlain immediately, and after such payment shall have been made, the chamberlain shall give to the purchaser of any such real estate a written or printed certificate, signed by him, describing the real estate purchased, the sum paid and the time for which the purchaser will be entitled to the possession thereof; and such purchaser, or his legal representatives, may, at the expiration of two years from the last day of said sale, upon the surrender of said certificate, receive a deed of such real estate, as hereinafter provided, unless the real estate shall have been redeemed as provided by the sixth section of this act, or the sale thereof shall have been canceled; and such purchaser shall, upon receiving said deed, be entitled to possession of said land, and may cause the occupant of such real estate to be removed therefrom and the possession thereof delivered to him in the same manner, and by the same proceedings, and by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord; provided, however, that no mortgagee or judgment creditor whose mortgage or judgment shall have been duly recorded before said sale, and no owner, occupant or other person interested therein, shall be divested of his rights in such real estate, unless six months' notice in writing of the sale and purchase of said real estate shall have been given to him by the purchaser or those claiming under him, either personally, or if not found in the city, by mail, directed to him at his last known place of residence. Within one month after the service of such notice it shall be the duty of the person serving or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with the affidavit of some creditable person certified as such by the officers before whom such affidavit is taken, proving the manner of such service. In case no person shall offer to bid for any lot of land offered for sale, the chamberlain shall bid in such land for the city of Cohoes, for the term of one thousand years.

Payment
of bids
and certi-
ficate of
sale.

Posses-
sion, how
obtained.

Proviso.

Copy of
notice and
affidavit
to be filed.

Lands,
when bid
in for city.

Re-sale of
lands, etc.

Certificate
of sale.

§ 5. If any purchaser, at any sale of lands for taxes, shall neglect or refuse to pay the amount of his bid or bids, the chamberlain may, in his discretion, resell the said real estate, immediately or at any adjourned sale, or execute his certificate of sale to such person or persons as will take the same and pay the same bid, or may maintain an action against the purchaser for the sum bid, and interest thereon at twelve per cent per annum. After such payment shall have been made or the amount of such bid shall have been collected, the said chamberlain shall deliver to the purchaser or purchasers of any such real estate a written or printed certificate duly signed by him, the same as is men-

- Record.** tioned in section four of this act ; and the chamberlain shall enter in a record book to be kept by him for that purpose, on the issue of all such certificates of sale, a description of each lot or plot sold, giving number or numbers of the street, ward in which the same is located, occupied or vacant, to whom sold, and for what term of years ; and, if redeemed before a deed is executed, by whom, at what dates, and what amount paid ; or, if a deed be given, to whom and at what date.
- Redemption of lands.** § 6. The owner, mortgagee, or any other person, may redeem the lands sold at any time within two years after the last day of such sale, by paying to the said chamberlain, for the use of the purchaser, his heirs or assigns, the sum mentioned in his certificate, and the interest thereon at the rate of twelve per cent per annum from the date of said certificate, or may redeem any part of any lot or plot sold, by paying a proportional part of the purchase-money and said twelve per cent interest thereon.
- Conveyance.** § 7. If such real estate sold for taxes, or any portion thereof be not redeemed as herein provided, or the sale thereof shall not have been canceled, the said chamberlain shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject, however, to any lien of taxes, and also of any assessment for improvements made by the said city of Cohoes and to all claims which the people of the state of New York, or the city of Cohoes may have thereon. The chamberlain shall be entitled to one dollar, to be paid by the grantee, for preparing and executing such conveyance, which conveyance shall include all the land unredeemed, purchased at said sale by the same grantee.
- Evidence** § 8. Every such conveyance, executed by the said chamberlain, under his hand and seal, and duly acknowledged by him, shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the assessment of the lands, were regular ; and in case the sale shall be set aside for any cause the purchase-money and interest thereon shall be at once refunded to the purchaser by the said chamberlain.
- When money to be refunded.** § 9. The unpaid state and county taxes levied on lands in the city of Cohoes in and for the years eighteen hundred and seventy, eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven, as carried out on the respective assessment rolls for said years in and for the said city of Cohoes, are hereby made and declared good, valid and effectual in law, in all respects, and for every purpose whatsoever ; and the board of supervisors of the county of Albany are hereby authorized and directed at their next meeting to issue their warrant to the chamberlain of the city of Cohoes, commanding him to collect said taxes of all parties who shall not have paid the same, with interest thereon at the rate of seven per cent per annum, to be computed from the time such taxes were severally payable ; and the chamberlain is hereby authorized to proceed to advertise and sell the lands upon which such state and county taxes have not been paid, as soon as practicable after receiving the said warrant from the board of supervisors.
- Warrant to issue for collection, etc.** § 10. Whenever the chamberlain shall discover, prior to the conveyance of any land sold for taxes by virtue of this act, that the sale was, for any cause whatever, invalid or ineffectual to give title to the
- Invalid sales.**

lands sold, the lands so improperly sold shall not be conveyed, but the chamberlain shall cancel the sale, and forthwith cause the purchase-money and interest thereon to be refunded to the purchaser, his representatives or assigns; but, whenever satisfactory evidence shall be filed in the office of the chamberlain, showing that the tax on any parcel of said land for any of said years has been once paid, he shall at once cancel such tax; and, whenever he shall discover that the amount of any year's tax is excessive, he shall cancel such excess. The same proceedings shall be had relative to the advertising, sale, redemption and conveyance of lands thus sold for arrears of taxes, as are hereinbefore provided in this act, for the advertising, sale, redemption and conveyance of lands sold for yearly taxes. For all services rendered by the chamberlain of the city of Cohoes in the collection of the state and county taxes for the eight years from eighteen hundred and seventy to eighteen hundred and seventy-seven, both inclusive, in pursuance of and by virtue of this act, he shall receive the sum of six hundred dollars, to be paid to him from out of the moneys collected from said taxes, and to be part of the expense of said collection.

Tax and excess, when to be canceled.

Proceedings for sale of lands.

Compensation of chamberlain.

§ 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed so far as respects the city of Cohoes.

Repeal.

§ 12. This act shall take effect immediately.

CHAP. 231.

AN ACT to provide for more completely equipping the national guard of the state of New York.

PASSED May 9, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Two hundred thousand dollars, or so much thereof as may be necessary, are hereby appropriated, to be expended by the commissary-general and chief of ordnance, with the approval of the commander-in-chief, in the purchase of overcoats, blouses, blankets, haversacks, canteens, and company garrison equipage, as may be deemed necessary, for the purpose of more completely equipping the national guard of the state of New York.

Appropriation.

§ 2. Before the said commissary-general shall be authorized to expend any of said appropriation, he shall give security, for the faithful execution of the duties imposed by the first section of this act, as provided by chapter two hundred and twenty-seven of the laws of eighteen hundred and forty-eight, in the sum of fifty thousand dollars.

Security by commissary-general.

§ 3. This act shall take effect immediately.

CHAP. 232.

AN ACT to legalize the proceedings of the electors of the town of Hermon, St. Lawrence county, in annual town meeting assembled on the twelfth day of February, eighteen hundred and seventy-eight, in relation to the raising of money for the improvement of roads.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the proceedings of the electors of the town of Hermon, St. Lawrence county, in annual town meeting assembled on the twelfth day of February, eighteen hundred and seventy-eight, as relates to the raising of money by tax on the taxable property in said town, for the improvement of roads designated in such proceedings is hereby legalized and confirmed.

§ 2. This act shall take effect immediately.

CHAP. 233.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping."

PASSED May 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-three of chapter one hundred and fifty of the laws of eighteen hundred and thirty-seven, entitled "An act authorizing a loan of certain moneys belonging to the United States, deposited with the state of New York for safe keeping," is hereby amended so as to read as follows:

When
commis-
sioners to
enter
mortgaged
premises.

And let
the same.

When to
sell.

§ 33. When any land mortgaged to the said commissioners according to this act shall be exposed for sale as aforesaid, and no person shall bid at such sale for the said lands, a sum equal to the amount due on the mortgage for principal and interest, and the expenses of the advertisements and the sale; or if any person to whom any such lands shall at any such sale be struck off, shall not pay for the same, then and in every such case the said commissioners shall enter into and take possession of the said lands and premises, and let the same upon the best terms they can obtain for the benefit of the state, until the third Tuesday in September then next, and shall, on the same third Tuesday in September, sell the said lands and premises at public vendue to the highest bidder, giving at least six weeks' previous notice of such sale, in the manner directed by the two next preceding sections of this act,

and if, upon such sale, no person shall bid or offer to give for the said lands and premises, a sum equal to the amount due on the mortgage for principal and interest, including all costs and expenses ; or if any person to whom any such lands and premises shall at any such sale be struck off, shall not pay for the same, then and in every such case, the said commissioners shall bid therefor in behalf of the people of this state, a sum not exceeding the amount at which the said lands shall be appraised by the appraisers hereinafter mentioned, in case such bidding shall be necessary to prevent the sale of such premises for a less sum ; but if the mortgagor, or his or her heirs or assigns, shall, at or before the sale of the mortgaged premises, pay to the said commissioners all such sums of money as shall be due and payable on such mortgage on the first Tuesday of October then next, for principal and interest, and costs and charges of foreclosure, as prescribed by this act, together with the charges of advertising the same, then the title in fee to the said mortgaged premises shall revert to and reinvest in the said mortgagor, his or her heirs or assigns, and the said commissioners shall accept the said sums of money, and the costs and charges aforesaid, and permit the said owner, or his or her heirs or assigns, to take possession of the said mortgaged premises, and to hold the same until default shall be made in payment of any further sum on the said mortgage. The commissioners appointed by virtue of this act, and their successors, in making any sale of any mortgaged premises by virtue of this act, shall not directly or indirectly be interested in the purchase of the mortgaged premises so sold, or any part thereof. The said commissioners may, at any time before the sale of the mortgaged premises, bring and maintain action to restrain the commission of waste upon the mortgaged premises by the mortgagor, his heirs, devisees, assigns, grantors, or by any other person, and may also, at any time, bring an action to correct any mistake or omission in the description of the mortgaged premises, and may also, after default in said mortgage, maintain an action of trespass against any person who shall, at any time thereafter, and before actual sale of the mortgaged premises, cut or remove therefrom or injure any fence, building or other fixture. All purchases made contrary to the provisions of this section shall be void.

When to bid in premises for the state.

Redemption by mortgagor.

Commissioners not to be interested.

Certain actions may be brought by commissioners.

Void purchases.

§ 2. This act shall take effect immediately.

CHAP. 234.

AN ACT to legalize the acts of Owen Glennon, a justice of the peace of the town of Hunter, Greene county.

PASSED May 9, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All official acts of Owen Glennon done and performed by him, since the first day of January, eighteen hundred and seventy-six, as a justice of the peace, are made legal and valid as they would have been, had the said Owen Glennon taken the oath of office within the time required by law. Nothing herein contained shall affect any action or proceeding now pending.

Official acts legalized.

§ 2. This act shall take effect immediately.

CHAP. 235.

AN ACT in relation to the county treasurer of Wayne county.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Exemption from
ch. 436,
Laws 1877.

SECTION 1. The county treasurer of the county of Wayne is hereby exempted from the provisions of chapter four hundred and thirty-six, of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to county treasurers," and all laws in relation to said county treasurer in force at the time of the passage of said chapter four hundred and thirty-six shall be and continue in force in relation to said county treasurer during the term of office of the present incumbent.

§ 2. This act shall take effect immediately.

CHAP. 236.

AN ACT to amend chapter sixty-two of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter three hundred and forty-one of the laws of eighteen hundred and seventy-two, entitled an act in reference to the Young Men's Association for mutual improvement in the city of Albany."

PASSED May 9, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision one, under section two of the first section of chapter sixty-two, of the laws of eighteen hundred and seventy-seven, entitled "An act to amend chapter three hundred and forty-one, of the laws of eighteen hundred and seventy-two, entitled an act in reference to the Young Men's Association for mutual improvement in the city of Albany," is hereby amended so as to read as follows :

Real estate to be
managed
by board
of trustees.

Ex-officio
members.

Other
trustees.

Qualifications.

1. The control, management and disposition of the real estate which may hereafter be acquired by the said corporation, shall be exclusively vested in a board of eleven trustees, who shall be known as "the Board of Trustees of the Young Men's Association for mutual improvement in the city of Albany," who, excepting those hereinafter designated, shall be elected in the manner herein provided: the president, first vice-president and treasurer of the Young Men's Association, and the president of the Albany institute for the time being, shall be ex-officio trustees. The following persons and their successors shall constitute the remainder of such board of trustees: Henry R. Pierson, Robert H. Pruyn, Maurice E. Viele, Erastus Corning, Robert L. Johnson, John H. Van Antwerp and Dudley Olcott. The said trustees shall be members of the said association, and their successors shall be elected by the

vote of said trustees, and of all life members of said association, and such other members as shall have contributed fifty dollars or more to the said association to increase the permanent fund hereinafter mentioned, or to aid in the purchase of its real estate, or in payment of any debt incurred for such purchase. The said trustees shall appoint one of their number to be president, and may also appoint such other officers, agents and servants as the proper performance of the duties vested in such board of trustees may require, and to remove the same at pleasure.

Successors, election of.

Officers of board.

In case of a vacancy occurring in the office of trustee by death, resignation, removal from the city, or otherwise, the president of said board shall forthwith call a special election to fill such vacancy, upon the same notice as is required for the annual election of officers of the said association. The said trustees shall have power to collect and receive all moneys that have been or may hereafter be contributed for the purchase of real estate, and to apply the same towards such purchase, and also to mortgage such real estate and to issue bonds in such amounts, and payable at such times, as they may deem proper, secured by such mortgage; also in their discretion, to grant the free use and occupation, for such term as they may deem proper, of any room, hall or apartment, in any building which may be hereafter erected upon the lands of such association, to any society organized for the encouragement of science, art, or literature, or for such other purposes as to the board of trustees may seem most advantageous to the interest and prosperity of the said association; also, in their discretion, to hire and rent for the use of such association, any buildings, premises, rooms or tenements in the city of Albany, at such rental and subject to such conditions as they may deem most advantageous to the interests of said association.

Vacancies.

Powers of trustees.

§ 2. This act shall take effect immediately.

CHAP. 237.

AN ACT to amend chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to protect butter and cheese manufacturers, passed May second, eighteen hundred and sixty-four.'"

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and sixty-one of the laws of eighteen hundred and seventy-six, entitled "An act to amend chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled 'An act to amend an act entitled 'An act to protect butter and cheese manufacturers,' passed May second, eighteen hundred and sixty-four,'" is hereby amended so as to read as follows:

§ 1. Section one of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to amend an act entitled an act to protect butter and cheese manufacturers, passed May second, eighteen hundred and sixty-four," is hereby amended so as to read as follows:

§ 1. Section one of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-four, entitled "An act to protect butter and cheese manufacturers," is hereby further amended so as to read as follows:

Liabilities
of persons
supplying
milk to
butter and
cheese
manufac-
tories.

§ 1. Whoever shall with intent to defraud, sell, supply or bring to be manufactured to any butter or cheese manufactory in this state, any milk diluted with water, or in any way adulterated, uncleanly or impure, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly bring or supply milk to any butter or cheese manufactory that is tainted or partly sour, or whoever shall knowingly bring or supply to any butter or cheese manufactory milk drawn from cows within fifteen days before parturition, or within three days after parturition, or any butter or cheese manufacturers who shall knowingly use or allow any of his or her employees, or any other person to use for his or her benefit or for their own individual benefit, any milk or cream from the milk brought to said butter or cheese manufacturer without the consent of all the owners thereof, or any butter or cheese manufacturer who shall refuse or neglect to keep, or cause to be kept, a correct account (open to the inspection of any one furnishing milk to such manufacturer) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made each day, or of the number cut or otherwise disposed of, and the weight of each, shall for each and every offense forfeit and pay a sum not less than twenty-five dollars, nor more than one hundred dollars with costs of suit, to be sued for in any court of competent jurisdiction for the benefit of the person or persons, firm or association, or corporation, or their assigns upon whom such fraud or neglect shall be committed.

Liabilities
of manu-
facturers.

Repeal.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 238.

AN ACT to change the location of one of the bridges over the Champlain canal.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superin-
tendent of
public
works to
remove
bridge.

SECTION 1. The superintendent of public works is hereby authorized and directed to remove the bridge over the Champlain canal in the town of Whitehall, Washington county, New York, which has to be passed over in traveling the road leading from the residence of Harvey Bartholomew, in said town, to the highway leading from the village of Whitehall to Comstock's Landing, in said county of Washington, to such point on said canal further north, as shall in the judgment of the

superintendent of public works make the said road as short, direct and *practicable as possible; provided, however, that the owners of land at the point where the new bridge shall be built shall release to the state all claims for damages arising or growing out of the change of location of said bridge, or of the building of the new bridge; and provided further, however, that the expense of such removal, and of the building of the new bridge, shall be paid from the ordinary canal repairs fund. Proviso.

§ 2. This act shall take effect immediately.

CHAP. 239.

AN ACT to amend section twenty-eight, chapter four hundred and eighty-two of the laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-eight, of chapter four hundred and eighty-two, of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

§ 28. To authorize boards of trustees or of education in any union free school districts, or trustees of common school districts, established in conformity to the general or to any special law of the state, on the application of a majority of the taxable inhabitants of the district, voting on the question at a duly called meeting, to sell or exchange real estate belonging to the district, for the purpose of improving or changing school house sites, and to increase or diminish the number of members of said boards.

School districts, sale and exchange of real estate, etc.

§ 2. This act shall take effect immediately.

CHAP. 240.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and seventy-six, entitled "An act amending an act entitled an act amending and revising, and consolidating the several acts in relation to the village of Greenbush, passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three, passed April twenty-fifth, eighteen hundred and seventy-one, passed April twenty-sixth, eighteen hundred and seventy-six.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter one hundred and eighty of the laws of eighteen hundred and seventy-six, entitled an act amend-

* So in the original.

ing, revising and consolidating the several acts in relation to the village of Greenbush, passed March twenty-second, eighteen hundred and fifty-four, and April twenty-ninth, eighteen hundred and sixty-three, passed April twenty-fifth, eighteen hundred and seventy-one, passed April twenty-sixth, eighteen hundred and seventy-six, subdivision twenty-three, section three, title two, is hereby amended so as to read as follows:

Repairs of streets, etc.

Width and grade of streets, etc.

Drainage.

Applications for street improvements, etc.

Notice.

Confirmation and record of street grades.

Trustees to advertise for proposals for street work.

To be let to lowest bidder.

Sidewalks, repairs, etc., of.

When trustees may make improvements.

23. To keep the roads, avenues, streets, lanes, public buildings, and public places of the village in good repair, order and condition, to construct sewers, culverts and drains, to make and repair all bridges which may be necessary within the bounds of the village, to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks, to pave, plank or flag roads, streets crosswalks, or sidewalks, lay out, open, make, alter, widen, contract or discontinue streets, avenues, roads or lanes in the village, to alter and change the grade or otherwise improve the roads, avenues, streets and sidewalks, to drain stagnant waters, and to raise or fill up low grounds, if nuisances, at the expense of the persons benefited, and to regulate the water-courses, ponds and watering places in the village; but no new road or street shall be opened, and no widening, altering or changing the grade of any street shall be done, and no road or street be closed, contracted or discontinued, unless on written application of the owners of a majority in feet of the property on the line of such proposed improvement or change; and whenever the board of trustees shall intend to lay out, open, make, alter, widen, contract or discontinue any street, avenue, road or lane, it shall cause a notice of such intention to be published for two weeks in the official newspaper stating the day upon which it will act thereupon, which day shall be at least two weeks subsequent to the first publication of the notice. The grade of all streets shall be confirmed, and a profile of said grade recorded in a book to be kept for that purpose, and no work shall be commenced on any street, lane or avenue, until such grade or profile has been confirmed and recorded; but whenever a new bridge or culvert, or public building, is authorized by the trustees, or the grading or paving of any street, sidewalk or crosswalk in any of the streets, lanes or avenues of said village, it shall be the duty of the trustees to advertise for sealed proposals for doing said work, and in all cases the trustees shall award such contract to the lowest responsible bidder, upon conditions that the person or persons awarded the contract shall give to the trustees a good and sufficient bond, conditioned for the faithful performance of the contract according to the plans and specifications adopted by the said trustees for such work.

§ 2. Title two, section four, is hereby amended so as to read as follows:

§ 4. The trustees shall have the power to compel the owners and occupants of lands, or lots, in front and adjoining which a sidewalk or street is to be made or repaired, to make such improvement upon the sidewalk or street in front of said land or lot, and shall determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality and kind of such materials; and in case the owner or owners, occupant or occupants, of any such land or lot, shall neglect or refuse to complete the said required improvement within such reasonable time as shall be required by the trustees, the said trustees may cause such improvement to be made or completed, and the expense thereof may be by them assessed, together with the expenses

of surveying and superintending, on such owner or owners so neglecting or refusing, and be collected by warrant issued by the president and trustees as other taxes are directed to be collected by this act, and in case such tax or assessment shall not be paid or collected, the trustees may cause such real estate to be sold, as hereinafter provided, or the owners thereof may be sued for payment and collection of such tax, and the costs and expenses arising from non-payment, in the manner and with the effect, and subject to the provisions of this act in regard to the collection of taxes and assessments, by selling of real estate, or by action at law against the person liable. In case any tax or assessment hereafter made or levied shall be or become void, illegal or erroneous for want of jurisdiction, or on account of any irregularity or defect in the manner of laying or making the same, the same shall be re-assessed and re-apportioned and re-levied, as the case may be, in a proper manner.

Expense thereof, how assessed and collected.

CHAP. 241.

AN ACT to exempt the town of Waterford and the town of Hadley in the county of Saratoga, from the provisions of chapter ninety-nine of the laws of eighteen hundred and seventy-seven, entitled "An act to exempt the county of Suffolk (except the town of Islip), Onondaga, Saratoga (except Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this state and to prescribe their powers and duties.

PASSED May 9, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The town of Waterford and the town of Hadley in the county of Saratoga are hereby exempted from the provisions of section one of chapter ninety-nine of the laws of eighteen hundred and seventy-seven, entitled "An act to exempt the counties of Suffolk (except the town of Islip), Onondaga, Saratoga (except the town of Saratoga Springs), Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of the state and to prescribe their powers and duties."

Exemptions.

§ 2. This act shall take effect immediately.

CHAP. 242.

AN ACT to repeal chapter four hundred and forty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Douglas," and the several acts amendatory thereof.

PASSED May 9, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Repeal. SECTION 1. Chapter four hundred and forty-nine of the laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Douglas," and the several acts amendatory thereof, are hereby repealed.

Proviso. § 2. This act shall not affect any claim or claims existing against said village, or any suit, action or proceeding now pending against said village, nor shall it affect any claims or taxes due said village, or any proceedings pending to collect, or enforce such claims or taxes.

Collection of claims. § 3. The board of trustees of said village is hereby authorized to enforce and collect all claims and demands now existing in favor thereof, and to raise by tax such sum as shall be necessary to pay and discharge all its existing debts and liabilities. Such tax shall be levied within sixty days from the time when this act shall take effect, shall be collected by the village collector, and shall be paid to the village treasurer, to be by him disbursed to the proper parties upon the warrant of the board of trustees. For the purposes aforesaid, such board, collector, and treasurer and the assessors of such village are hereby continued in office till the same shall be effected.

Tax for payment of liabilities. § 4. The books, papers and records of such village shall be deposited with the town clerk of the town of Fremont in the county of Sullivan who shall preserve the same in like manner with the records of such town.

Books, papers, etc.

§ 5. This act shall take effect immediately.

CHAP. 243.

AN ACT to release to Jane Barry, of the town of Fallsburgh, Sullivan county, New York, the right, title and interest of the people of the state of New York in the real estate of which William Rescola died seized.

PASSED May 9, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of state released. SECTION 1. All the right, title and interest which the people of the state of New York have acquired by escheat in and to the real estate in the town of Fallsburgh, Sullivan county, New York, whereof William Rescola, late of the said town of Fallsburgh, Sullivan county, New York died seized and possessed, is hereby released and quit-

claimed to Jane Barry, of said town, her heirs and assigns forever, said real estate being sixty acres on the north end of subdivision lot number seven, north half of division number three, great lot two, Hardenbergh patent.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in said real estate of any heir-at-law, devisee, purchaser or creditor by mortgage, judgment or otherwise. Not to affect rights of heirs, etc.

§ 3. This act shall take effect immediately.

CHAP. 244.

AN ACT relating to the assessment for Prospect park, in the city of Brooklyn.

PASSED May 11, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Immediately after the passage of this act, the comptroller of the city of Brooklyn shall ascertain and determine the average number of years which the bonds issued by the city of Brooklyn for the purchase or taking of the lands taken for Prospect park have to run, and that portion of the assessment laid for benefit from said park, upon lands in the city of Brooklyn (which said assessment is more fully shown in and by the final report made by Teunis G. Bergen and others as commissioners, and on file in the office of the clerk of the county of Kings), which has not been paid, together with all arrearages of interest upon the several annual installments of the same which have been heretofore imposed, instead of being assessed, levied and collected as heretofore provided by law, shall not be deemed to have been assessed, or to be payable, except in and by the equal annual installments to be *levied as herein directed, which installments shall be equal in number to the average number of years, ascertained as hereinbefore provided, and shall be charged against, and on the same lands as are now chargeable or charged with said assessment, and in the same proportions as such lands are now so charged or made chargeable, and shall be payable on the first day of December annually hereafter; the board of assessors of said city shall immediately ascertain and state the sum which is hereby made chargeable in and by each of said equal annual installments on the several pieces of land affected thereby, and before the first day of December in each year, said board shall levy one of said equal installments, and shall transmit a proper record of such levy to the collector of taxes and assessments of said city, which record shall be to him a full and proper warrant for collecting the installment so levied. Duty of comptroller.

Certain assessments, how assessed and when payable.

§ 2. Such installments shall be liens on the respective pieces or parcels of land affected thereby, only from the time they are respectively levied; and the said assessment shall not be, or be deemed to be, a charge or lien against such lands, or in any manner cause any charge or lien against the same, except in and by the said equal installments, with interest on each of such installments from the time it shall be Levy of installments by assessors.

When installments liens.

* So in the original.

Act not to prevent annual assessment, etc., of installments and interest.

levied, at the rate provided by law. But nothing herein contained shall prevent the said city of Brooklyn from annually assessing and levying upon, and collecting from the several parcels of land so assessed as hereinbefore stated, each annual installment, as the same shall become payable under section one of this act, together with interest upon such installment from the time it shall have been levied at the rate provided by law, until all the installments directed by section one of this act shall have been levied as therein provided.

Repeal.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

CHAP. 245.

AN ACT to amend article five of title one, chapter sixteen of part first of the Revised Statutes.

PASSED May 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one hundred and three of title one, article five of chapter sixteen of part first of the Revised Statutes, is hereby amended so as to read as follows :

Removal of encroachments upon highways.

§ 103. In every case where a highway shall have been laid out or ascertained, described and entered of record in the town clerk's office, and all roads not recorded, which have been or shall have been used as public highways for twenty years or more, and the same have been or shall be obstructed in any manner or encroached upon by fences or otherwise, the commissioner or commissioners of highways of the town shall, if in his or their opinion it be deemed necessary, order such obstructions or encroachments to be removed, so that such highway may be of breadth originally intended. The commissioner or commissioners making the order shall cause the same to be reduced to writing and signed, and shall also give notice in writing to the occupant or owner of the land to remove such obstructions or encroachments within sixty days. Every such order and notice shall specify the breadth of the road originally intended, the extent of the obstruction or encroachment, and the place or places where the same shall be.

Order and notice thereof.

§ 2. Section one hundred and four is hereby amended so as to read as follows :

Penalty.

§ 104. If such removal shall not be made within the time above mentioned, the said commissioner or commissioners may summarily remove, or cause to be removed, such obstructions or encroachments, and the owner or occupant of the premises to whom the notice shall be given, shall pay to such commissioner or commissioners all reasonable charges therefor, and shall forfeit the sum of fifty cents for each day that such obstruction or encroachments shall remain unremoved after the expiration of the time mentioned in said notice, which shall be collected by suit in justice's court, and shall be applied to the improvement of the roads and bridges of said town.

§ 3. This act shall take effect immediately.

CHAP. 246.

AN ACT for the relief of the Canterbury Fire Engine Company, in Orange county, and to amend chapter two hundred and seventy-two of the laws of eighteen hundred and thirty, entitled "An act to incorporate the Canterbury Fire Company."

PASSED May 13, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter two hundred and seventy-two of the laws of eighteen hundred and thirty, entitled "An act to incorporate the Canterbury Fire Company," is hereby amended so as to read as follows:

§ 4. Said company shall appoint five of their number to be trustees, whose duty it shall be to take care of all property belonging to said company, and also to appoint one of their number to be clerk. When-
 ever at any meeting of said trustees duly called, a majority of their number shall determine, by a resolution duly entered upon their minutes to that effect, that appropriations of money in addition to any funds then available by said company, are needed by said company for the purpose of purchasing or repairing the fire engine of said company or necessary implements and apparatus therefor, or for purchasing a site, or building necessary engine house, or for necessary repairs or improvements thereon, or for paying and discharging any indebtedness of said company, or any lien upon their property, incurred for any or all of the above named objects, they shall have power to call a meeting of the taxable inhabitants of the fire district in which the engine house of said company may be situated, and hereinafter described, at which meeting a vote of such tax payers shall be taken in regard to such proposed appropriation and tax. Such meeting shall be held at some convenient and suitable place, within the bounds of said fire district. The notice of said meeting shall be posted for at least five days previous to the day of meeting, in at least five public places in said fire district. Said notice shall state the day and hour at which said meeting will be held, and during what hours the election will be held open, the amount of money required to be raised, the object or objects for which it is required, and whether the same shall be raised at one time or by installments; but not more than one thousand dollars in any one year shall be asked or voted for at any such election. Said trustees shall appoint three of their number to preside at such meeting and certify the result thereof. Before proceeding to such election the trustees presiding thereat shall require due proof that the prescribed notices of such election have been duly posted, as above directed, which proof shall be filed with the proceedings of such election, and they shall also keep a correct poll list of the names of all persons voting at such election. The vote at such election shall be by ballot and each ballot shall contain the words "for" or "against" (as the case may be) the proposition to raise money by tax for the benefit of Canterbury Fire Engine Company, as set forth in the notice of this election." After said election shall have closed, said trustees shall correctly canvass the votes cast thereat,

Trustees.

When trustees may call meeting of tax payers.

Vote to be taken.

Notice.

Trustees to preside at meeting, etc.

Vote to be by ballot.

Canvass and deter-

mination of result. and shall compare the number of votes cast in favor of such tax proposition with the list of tax payers in said fire district, as shown by the last preceding tax list of the town in which such district is situated, and shall determine therefrom whether such tax proposition did or did not receive the assent of a majority of all the tax payers residing in said

Certificate. fire district at the time of said election, and they shall make and subscribe a certificate of the result, and annex the same to the poll list so kept by them. If a majority of all such tax payers shall have voted in favor of such proposition, and the trustees presiding at such election shall so certify, then the trustees of said company shall, within twenty days after such election, make out a tax list and assessment roll, to be based upon the last assessment roll of said town, so far as the same shall apply to property embraced within said fire district, and shall

Assessment roll and tax list, when and how made. make out a warrant for the collection of said tax, or so much thereof as according to said proposition and notice, and the vote in favor thereof, was to be collected in the current year, which warrant shall be returnable at the expiration of sixty days from the delivery of the same to the collector. Said trustees may appoint any tax payer of the said

Warrant. district as collector, for the purpose of collecting the tax voted at such meeting, who shall serve until the whole amount of such tax shall be collected, and in case of a vacancy occurring from his death, resignation or removal from the district, they may appoint a successor. Such appointment of collector shall be made at any meeting of said trustees duly called, and the same shall be duly entered in their minutes, and a copy thereof, certified by their clerk, shall be delivered to the person so appointed. Before entering upon the duties of his office the person so appointed collector shall execute to the trustees of said company, a bond in the penalty of double the amount to be collected, with good and sufficient sureties, to be approved by them, conditioned for the faithful performance of the duties of his office and for the payment of all moneys collected by him to said trustees within the time required by this act. And said trustees may, if they deem proper, renew said

Collector, appointment of, etc. bond, for a time not exceeding sixty days, provided said collector shall pay over to them all moneys theretofore collected by him, and shall renew his bond in manner aforesaid for the amount remaining unpaid.

Bond. Said collector may receive and collect as his fees, in addition to the amount mentioned in said warrant, the sum of one cent on each dollar so collected by him within thirty days, and five per cent on all sums collected after that time. Such collector shall give notice in the usual manner, to be posted in at least five public places in said district of the place where, and the times within which, said taxes shall be paid.

Renewal of bond. If said tax is to be collected by installments, and not all in the year in which the same is voted, said trustees shall make out a new assessment roll and tax list and deliver their warrant to said collector in like manner, as above provided, for the collection of any amount which, by said proposition and vote, was to be levied and collected in any succeeding year, and the same shall be collected by him in the manner above provided.

Collector's fees.

Notice.

Collection of tax by installments, provision for.

§ 2. After section twelve of said act, being chapter two hundred and seventy-two of the laws of eighteen hundred and thirty, to incorporate said company, amend, by adding the following sections:

Fire district. § 13. All that portion of the town of Cornwall and county of Orange which is embraced within the following bounds and limits, and which

are intended to be the same as the boundaries of school district number five of said town, as recorded in the office of the town clerk of said town, to wit:

“Beginning at T. R. Birchard’s (now John B. Raymond’s), running thence a northerly course, including John Crissey’s property (now John J. Runion’s) and the lands of John Williams, deceased (known as the Patrick’s Rock farm), thence including the lands formerly owned by Eleazer Crane (now owned by Jacob B. Tallman) to the lands formerly owned by Alexander Sutherland, deceased, and now owned by Hildah Sutherland and John Sutherland, including said lands, thence including all the lands formerly owned by Catharine Ring to the lands of Henry Titus (now owned by the estate of William C. Hasbrouck and others), including said lands, thence to the stone house on the top of the mountain, not including said house, thence westerly to the house of Edward Coffy, including said Coffy (now owned by N. Chatfield, Jr.), thence to the place of beginning, including all within said boundaries,” shall be hereafter known as the Canterbury fire district. Name of district.

§ 3. This act shall take effect immediately.

CHAP. 247.

AN ACT authorizing the appraisal and sale of a certain lot of land belonging to the state lying and being in the village of Johnstown in the county of Fulton.

PASSED May 13, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the land office are hereby authorized and required to cause to be appraised the value of that certain lot, piece or parcel of land situate, lying and being in the village of Johnstown, in the county of Fulton, bounded and described as follows: “On the north by lands of Isabella Pierson and James O. Young; on the east by Perry street; on the south by Montgomery street; and on the west by the lot given and granted by the state to the village of Johnstown for school purposes by act passed April sixteenth, eighteen hundred and twenty-seven, this being the east half of the lot in said act described, and containing about one-half of an acre of land.” Appraisal of certain lot.

§ 2. Upon such appraisal of the above described lot, the board of Sale. education of union free school district number four of Johnstown may become the purchasers of said lot, if within twenty days after such appraisal such board shall pay one-fourth of such appraised value into the treasury, and execute and deliver to the commissioners of the land office the usual bond conditioned for the payment of the remaining three-fourths of such appraisal within six years with interest thereon at the rate of six per cent per annum payable annually; and thereupon they shall have and receive the usual certificate of the surveyor-general and engineer therefor; but in case said board of education shall fail, or neglect to purchase said lot and pay or secure to be

paid as above provided the appraised value thereof within the time above limited, the commissioners of the land office may cause the same to be advertised and sold to the highest bidder, bidding therefor at least the amount of such appraised value together with the cost and expenses of such advertising and sale, who shall thereupon receive the certificate of the sale thereof, upon the same terms as is above provided.

§ 3. This act shall take effect immediately.

CHAP. 248.

AN ACT in relation to the election of officers in certain school districts.

PASSED May 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Election
by ballot.

SECTION 1. In all school districts in this state in which the number of children of school age exceeds three hundred, as shown by the last annual report of the trustees to the school commissioner, all district officers, except the treasurer and collector of union free school districts, shall be elected by ballot.

Election
when and
where to
be held.

§ 2. Such election shall be held on the second Wednesday of October in each year, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate.

Notice.

When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof, by publication of such notice at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district.

Inspect-
ors.

§ 3. The trustees or board of education, or such of them as may be present, shall act as inspectors of election, and immediately after the close of the polls shall proceed to canvass the votes and declare the result. If any such district shall have but one trustee, the district clerk shall be associated with him as inspector. If a majority of the trustees shall not be present at the time for opening the polls, those in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees. If none of the trustees shall be present at the time for opening the polls, the legal voters may choose three of their number to act as inspectors.

Ballot box.

§ 4. The trustees shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each one is voted. The ballots may be either written or printed, or partly written and partly printed.

Ballots.

Duty of
clerk.

§ 5. The district clerk, or clerk of the board of education, as the case may be, shall attend the election and record in a book to be provided for that purpose the name of each elector as he deposits his ballot. When the polls shall have been closed the inspectors shall first

count the ballots to see if they tally with the number of names recorded by the clerk. If they exceed that number enough ballots shall be withdrawn to make them correspond. Any clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall be liable to a fine of twenty-five dollars, to be sued for by the supervisor of the town. If the district clerk or clerk of the board of education shall be absent, or shall be unable or shall refuse to act, the trustees, inspectors of election, or board of education shall appoint some person to act in his place.

§ 6. If any person offering to vote at any such election shall be challenged as unqualified by any legal voter, the chairman of the inspectors shall require the person so offering to vote to make the following declaration: "I do declare and affirm that I am an actual resident of this school district, and that I am legally qualified to vote at this election." And every person making such declaration shall be permitted to vote; but if any person shall refuse to make such declaration, his ballot shall not be received by the inspectors. Any person who upon being so challenged shall willfully make a false declaration of his right to vote at such election, shall be deemed guilty of a misdemeanor and punished by imprisonment in the county jail for not less than six months nor more than one year. Any person who shall vote at such election, not being duly qualified, shall, though not challenged, forfeit the sum of ten dollars, to be sued for by the supervisor of the town for the benefit of the school or schools of the district.

§ 7. All disputes concerning the validity of any such election, or of any votes cast thereat, or of any of the acts of the inspectors or clerk, shall be referred to the superintendent of public instruction, whose decision in the matter shall be final. Such superintendent may, in his discretion, order a new election in any district.

§ 8. The persons having the highest number of votes, respectively, for the several offices shall be declared elected, and the clerk shall record the declaration of the inspectors. In case two persons shall have an equal number of votes for the same office, the inspectors of election shall immediately choose one of such persons. If the inspectors cannot agree, the clerk shall decide the matter.

§ 9. The annual meetings in the several districts shall be held as now provided by law for the purpose of transacting all business except the election of officers.

§ 10. This act shall not apply to cities, or to districts organized under special acts of the legislature.

CHAP. 249.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 13, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision three, of section three, of title three, of chapter two hundred and ninety-one, of the laws of eighteen hundred

Police.
consta-
bles not to
make
charges in
criminal
proceed-
ings.

and seventy, being an act entitled "An act for the incorporation of villages," is hereby amended so as to read as follows:

3. To establish and maintain a police, and prescribe their powers and duties; and it shall not be lawful for any constable of the town or county in which any village incorporated under this act is situate, who shall hereafter be elected or appointed, to make any charge against such village or the town or county in which the same is situate, for services rendered in or respecting any criminal arrests or proceedings before magistrates or courts of special sessions cases, trials or examinations in such village, where the subject matter thereof arose in such village, after the establishment and during the maintenance of a police in such village under this act. But no constable shall be required to perform any service for which he is herein prohibited from making a charge and to erect or procure and maintain a lock-up, or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance, and to confine said persons therein.

§ 2. This act shall take effect immediately.

CHAP. 250.

AN ACT to secure the better application of funds to relieve the poor in the town of Plattsburgh, in the county of Clinton.

PASSED May 13, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
alms and
overseers
of poor,
appoint-
ment of,
etc.

Duty of
town
clerk.

Terms of
office.

Annual
appoint-
ment of
member.
Vacancies.

Control of
funds.

SECTION 1. The supervisor of the town of Plattsburgh and the justices of the peace of said town shall meet on the first Monday of June next, at the town hall in said town, and appoint by a majority vote three freeholders of said town, who shall constitute a board of alms for the said town, and who shall be known as the "Board of Alms of the town of Plattsburgh." They shall also at the same meeting, in like manner, appoint a freeholder of said town as overseer of the poor of said town, and they shall thereafter, by a majority vote, fill any vacancy that may occur in said board of alms, or in said office of overseer of the poor. The town clerk shall attend all meetings of said supervisor and justices held under or in pursuance of this act, and keep the minutes of their proceedings, which shall be recorded by him in the book of records of said town.

§ 2. At the time of their appointment the said supervisor and justices shall designate one of the persons so appointed by them to hold and who shall hold his office for one year, another to hold and who shall hold his office for two years, and the remaining person to hold and who shall hold his office for three years, and said supervisor and justices shall thereafter meet annually on the first Monday in June, and appoint one member of the said board of alms, who shall be a freeholder of said town, and shall hold his office for three years and until his successor shall be duly appointed. Vacancies in the office of the board of alms shall be filled for the unexpired term which shall have become vacant.

§ 3. The said board of alms shall have control of the funds applicable to the relief of the poor in said town, and the dispensation of

the same. A majority of said board shall constitute a quorum to do business. Said board of alms shall have power to procure, by rent or purchase, suitable grounds and buildings for a town alms-house, but no purchase shall be made unless specially authorized by a vote of the electors of the town at an annual town meeting, nor at a cost exceeding five thousand dollars.

§ 4. The overseer of the poor appointed by the said supervisor and justices shall hold his office for one year from the first Monday of June in each year, and until his successor is appointed. The board of alms of said town shall determine his compensation for all services rendered by him as such overseer, which shall not exceed four hundred dollars per annum.

§ 5. The board of alms of said town shall appoint a treasurer of the poor fund of said town, and take such security for the faithful performance of his duties, and to account and pay over the funds intrusted to him, as they shall deem adequate and shall approve, and they shall also determine his compensation, which shall not exceed fifty dollars per annum. The said treasurer shall hold his office for one year, and until his successor is appointed. The said board shall keep a record of all its proceedings, and shall adopt all needful rules as to their own meetings and as to the management and dispensation of the funds for the relief of the poor under their control, and for the government of the treasurer and overseer of the poor.

§ 6. All moneys appropriated to the relief of the poor of said town shall be paid over to the treasurer of the poor fund of said town, and all payments and disbursements shall be made by him upon the order of the overseer of the poor, or such other person as the board of alms may direct, and said treasurer shall not loan any moneys that may come into his hands, nor shall he use them for any other purpose than is provided for by this act. Any interest which may accrue on said fund, by reason of the same being deposited in either of the banks of said town, shall be credited to said town.

§ 7. The board of alms may cause to be purchased all or any needful supplies for the relief of the poor, in such quantities as they may deem best, but not to exceed a supply for one year; and they may contract for such supplies, including medical and surgical services, to be delivered or rendered from time to time, as the same may be required or called for, but such contract shall not extend beyond thirty days after the annual town meeting next ensuing the time when such contracts shall be made. Said board may also furnish relief to the poor in said town, chargeable to the county, or to any other town, and receive compensation therefor from the county or town to which such poor is chargeable.

§ 8. The board of alms shall audit and allow all charges and expenses incurred under their direction for the relief of the poor chargeable to the town of Plattsburgh, including the expense and compensation of officers, and shall report the same through the supervisor to the board of supervisors of the county, at their annual meeting in each year, who shall cause the same to be inserted in the tax lists and raised as other town charges are directed to be raised. All charges and expenses for the support of the poor chargeable to the county, or to any other town of the county, shall be audited in the same manner that the charges for the support of the poor, chargeable to the county, are required by law to be audited and allowed.

§ 9. The duties of the office of overseer of the poor of the town of

Overseer
of the
poor, his
duties.

Plattsburgh are hereby transferred to the overseer of the poor to be appointed by the said supervisor and justices, under the provisions of this act, to be administered under the direction of said board of alms, to take effect as soon as said overseer has been appointed. The said overseer so appointed shall from time to time perform all the duties devolved upon the overseer of the poor of said town, heretofore elected in and for said town, subject, however, to the direction of the board of alms, and shall keep the vouchers, registers, amounts and charges required by law of overseers of the poor. He shall report to the board as often as they may direct, and shall prepare annually a statement showing the names of all persons or families who have received relief, and the amount to each person or family. No overseer of the poor shall be elected in said town of Plattsburgh after the passage of this act, and the office of existing overseers of the poor for said town shall become vacated by the present incumbents upon the appointment of an overseer of the poor, as provided in the first section of this act.

Office of
existing
overseers,
when va-
cated.

Compensa-
tion of
board.

§ 10. The said board of alms may audit and allow for their own services, a sum not exceeding seventy-five dollars per annum, to be apportioned among them as a majority may direct, to be deemed expenses of administering the poor fund, and to be raised as provided in section eight of this act.

Act, how
construed.

§ 11. Nothing contained in this act shall be so construed as in any way to interfere with the power of the board of supervisors in relation to auditing the poor accounts of the county.

§ 12. This act shall take effect immediately.

CHAP. 251.

AN ACT to regulate the election of permanent members of the medical society of the state of New York.

PASSED May 13, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Permanent
members,
election
of.

SECTION 1. It shall be lawful for the medical society of the state of New York, to hereafter elect, annually, from each of the eight senatorial districts of this state, as said districts were established by the laws of eighteen hundred and thirty-six, permanent members, in the proportion of one permanent member to every eight delegates from the county societies, to which the district may be entitled, and one permanent member for every additional fraction of one-half or more of such number, provided that all permanent members so elected shall at the time of their election be residents of the districts which are credited with them, and shall be in good standing as active members of their county societies.

Elections
legalized.

§ 2. All elections of permanent members of said society, had during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, are hereby legalized, confirmed and declared valid.

Proviso.

§ 3. Nothing in this act contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

§ 4. Chapter eight of the laws of eighteen hundred and forty-five, entitled "An act to amend an act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state, passed April tenth, eighteen hundred and thirteen," is hereby repealed. Repeal.

§ 5. This act shall take effect immediately.

CHAP. 252.

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

PASSED May 13, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons and for the objects indicated in this act, the amounts named, or such parts of those amounts as shall be sufficient to accomplish in full the purposes designated by the appropriations; but no warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same.

Payments
by treas-
urer.

Comp-
troller to
audit
certain
claims.

The persons demanding payment shall present to him, if required, a detailed statement, in items, verified by affidavit; and, if such account shall be for services, it must show when, where and under what authority they were rendered; if for expenditures, when, where and under what authority they were made; if for articles furnished, when and where they were furnished, to whom they were delivered, and under what authority; and if the demand shall be for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, and the date and items of expenditure.

Verified
state-
ments to
be pre-
sented.

On all accounts for transportation, furniture, blank and other books furnished for the use of offices, binding, blanks, printing, stationery and postage, a bill duly certified must also be furnished; but, whenever any appropriation shall have been made for the same purpose, or the amount shall have been provided otherwise, the sum herein directed to be paid shall not be considered as an addition to such other appropriation, unless it shall be expressly so declared in this act.

Certified
bills to be
furnished.

FROM THE GENERAL FUND.

For the clergymen officiating as chaplains of the assembly during the session of eighteen hundred and seventy-eight, for compensation to be paid to the clerk of the assembly for distribution by him to those clergymen, at the rate of three dollars per day for every day of attendance, the sum of four hundred dollars.

For chap-
lains of
assembly.

For the reverend Ebenezer Halley for compensation for services as chaplain of the senate during the session of eighteen hundred and seventy-eight, the sum of five hundred dollars.

Ebenezer
Halley.

tificate of the secretary of the regents of the university, three thousand eight hundred and twenty-two dollars and fifty cents.

School laws.

For printing and binding an amended edition of the school laws of this state, to be prepared by the superintendent of public instruction, and by him to be distributed, one to each of the school districts of the state, the sum of one thousand five hundred dollars.

Committee's expenses.

For the expenses of the committee on commerce and navigation of the senate, and of its clerk, in the investigation of the Union Ferry Company, pursuant to resolution of the senate, and for the services of a stenographer, the sum of one hundred and sixty-six dollars and ten cents.

Frank McKinnon.

For Frank McKinnon, for services as clerk of the senate committee on miscellaneous corporations, nine hundred dollars or so much thereof as may be necessary to pay for such services at the rate of seven dollars per day, for the present session, to be paid in the same manner as other clerks to senate committees.

Bank department.

For the bank department, for deficiency in appropriations, for expenses of regular examinations of savings banks for the year ending September thirtieth, eighteen hundred and seventy-seven, three thousand one hundred and forty-nine dollars, and for the year ending September thirtieth, eighteen hundred and seventy-eight, five thousand dollars, which said sums shall be refunded to the treasury of the state by the corporations examined.

Refunding the same.

Attorney-general's office.

For the office of the attorney-general, for deficiency in appropriations for payment of salaries of deputies, clerks and messenger, authorized under chapter forty of the laws of eighteen hundred and seventy-eight, six thousand six hundred and twenty-five dollars; and for compensation of stenographers, for one year, twelve hundred dollars.

Heirs of John G. Wasson.

For the payment, to the widow and heirs-at-law of the late John G. Wasson, of interest from October first, eighteen hundred and seventy-seven to April first, eighteen hundred and seventy-eight, upon a certificate issued under chapter eight hundred and thirty of the laws of eighteen hundred and sixty-eight, nine hundred dollars.

State library.

For deficiency in appropriations for repairs, cleaning, gas, transportation of books, and other necessary expenses of the state library, four hundred dollars.

Public offices, for furniture, etc.

For deficiency in appropriations for furniture, books, binding, blanks, printing and other necessary expenses of the following public offices, namely, of the comptroller, one thousand two hundred dollars; of the superintendent of public instruction, seven hundred dollars; of the attorney-general, five hundred dollars; and of the state engineer and surveyor, five hundred dollars.

Convicts.

For deficiency in appropriations for the maintenance of convicts sentenced to penitentiaries in pursuance of chapter one hundred and fifty-eight of the laws of eighteen hundred and fifty-six, chapter five hundred and eighty-four of the laws of eighteen hundred and sixty-five, chapter six hundred and sixty-seven of the laws of eighteen hundred and sixty-six, chapter five hundred and seventy-four of the laws of eighteen hundred and sixty-nine, chapter two hundred and forty-seven of the laws of eighteen hundred and seventy-four, and chapter five hundred and seventy-one of the laws of eighteen hundred and seventy-five, forty-six thousand dollars, or so much thereof as may be necessary.

For the payment of the comptroller's bond, held in trust for the

common school fund, issued in pursuance of section eleven, title three, chapter eight, of the first part of the Revised Statutes, two hundred and fifty thousand dollars, and to pay the interest on the said bond, eleven thousand five hundred dollars, or so much thereof as may be necessary.

Comp-
troller's
bond.

For the salary of the shore inspector for the current fiscal year, two thousand dollars, payable from the proceeds of the tax levied in pursuance of chapter six hundred and four of the laws of eighteen hundred and seventy-five.

Shore
inspector.

For the actual and necessary traveling and incidental expenses of the agent of the comptroller to examine the accounts of auctioneers, three hundred dollars, or so much thereof as may be necessary.

Expenses
of auction
agent.

For deficiency in appropriations for the legislative printing for the state, including binding, mapping, engraving, publication of the official canvass and other official notices, and for printing the natural history of the state, twenty-five thousand dollars, or so much thereof as may be necessary.

Legisla-
tive
printing.

For expenses of removing intruders from Indian lands, one hundred and fifty dollars, or so much thereof as may be necessary.

Intruders
on Indian
lands.

For deficiency in appropriations for compensation of criers and attendants of the court of appeals, one thousand five hundred dollars, or so much thereof as may be necessary.

Criers,
etc., of
court of
appeals.

For deficiency in appropriations for the compensation of sheriffs for the transportation of convicts to the prisons, asylum for insane convicts, penitentiaries and houses of refuge, six thousand five hundred dollars, or so much thereof as may be necessary.

Sheriffs.

For deficiency in appropriations for compensation and mileage of members and officers of the legislature, ten thousand dollars, or so much thereof as may be necessary.

Members,
etc., of
legisla-
ture.

For deficiency in appropriations for the apprehension of criminals, one thousand dollars.

Criminals.

For clerk hire in the preparation of the annual report on railroads for the year eighteen hundred and seventy-seven, one thousand dollars, or so much thereof as may be necessary, payable on the certificate of the late state engineer and surveyor, to be refunded to the treasury by the several railroad corporations of this state in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

Railroad
report,
clerk hire.

Refunding
of same.

The comptroller is hereby authorized and empowered, whenever he shall deem it necessary, to examine, or cause to be examined, the financial affairs and business administration of any asylum for the insane, state prison, reformatory, house of refuge, or other charitable or penal institution receiving appropriations from the state treasury, and for that purpose the comptroller, or the agent designated by him to conduct such examination, shall have power to administer oaths and to subpoena witnesses, and shall have free access to all account books, vouchers and records of any institution which shall be investigated in pursuance of this authority, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry this provision into effect.

Examina-
tions of
asylums,
prisons,
etc.

For removing obstructions in Chautauqua lake, and in the outlet thereof, and for making and setting the necessary buoys therein, the sum of two thousand dollars; the work to be done and money expended under the direction of the commissioners of navigation of said lake; but no part of said money herein appropriated shall be paid to such

Chantau-
qua lake.

commissioners until they shall have executed a bond to the people of the state of New York, to be approved by the comptroller, conditioned that they will faithfully discharge their duties as said commissioners, and truly account, under oath to the comptroller, for all moneys received by them for the purposes aforesaid.

Tona-
wanda
Indians.

For the Tonawanda band of Seneca Indians, for the completion of the manual labor school for such band of Indians, the sum of one thousand dollars.

Indian
schools.

For building a new and additional school-house on the Saint Regis Indian reservation, and one on the Tonawanda reservation, the sum of five hundred dollars each.

Coat of
arms.

For the purchase of a coat of arms of the state of New York, with an appropriate frame, to be placed in the Washington mansion, at Mount Vernon, Virginia, one hundred and fifty dollars, to be expended under the direction of the president of the senate of this state.

Washing-
ton's
head-
quarters.

For the trustees of Washington's head-quarters, belonging to the state, at Newburgh, the sum of one thousand five hundred dollars, for building an iron fence on the north side of the grounds thereof along Washington street, similar to the fence already constructed on Liberty street; but no part of the sum herein appropriated shall be paid by the comptroller until he shall be satisfied that additional funds have been raised, by subscription or otherwise, sufficient, with this appropriation, to complete the fence around said grounds.

Indians.

For services of the assistant appointed in pursuance of resolution of the assembly adopted May twenty-four, eighteen hundred and seventy-seven, for the investigation of the financial relations of the Oneida and Stockbridge Indians with this state the sum of one thousand dollars.

Delaware
county.

For the county of Delaware, the sum of one thousand one hundred and sixteen dollars and four cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-eight, and chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine, but which it is claimed has not been paid; which sum is hereby re-appropriated and shall be allowed to said county in liquidation and payment of so much of any indebtedness of said county to the state, if, upon investigation, the comptroller shall ascertain that the same is due said county and unpaid.

Greene
county.

For the county of Greene, the sum of one thousand seven hundred and twenty-one dollars and seventy-four cents, that being the amount claimed to be due said county pursuant to chapter eight hundred and seventeen of the laws of eighteen hundred and sixty-eight, chapter eight hundred and fifty-seven of the laws of eighteen hundred and sixty-nine, chapter seven hundred and four of the laws of eighteen hundred and seventy, and chapter eight hundred and sixty-nine of the laws of eighteen hundred and seventy-one, but which it is claimed has not been paid; which sum is hereby re-appropriated, and shall be allowed to said county in liquidation and payment of so much of any indebtedness of said county to the state, if, upon investigation, the comptroller shall ascertain that the same is due said county and unpaid.

Sewer in
Syracuse.

Of the local assessment and expenses of constructing a sewer in Salina street in said city in front of the Salt Springs office in eighteen hundred and seventy-six, fifty-two dollars and sixty-two cents.

Pay-
master-
general.

For the paymaster-general, to defray expenditures authorized by chapter one hundred and eighty-four of the laws of eighteen hundred

and sixty-three, the sum of five hundred dollars, or so much thereof as may be necessary.

For repairs of arsenals and armories belonging to the state, thirty-five thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief. Arsenals and armories.

For the adjutant-general for services of clerks employed by him in copying the muster-out rolls of volunteers, eight thousand dollars; for services and expenses in prosecuting the war claims of the state against the United States under his direction, five thousand dollars, or so much thereof as may be necessary; and for the payment to the commandant of Battery H, for rations furnished to his command at encampment ordered at general head-quarters, one hundred and ninety-one dollars and thirty-three cents; all to be paid on the audit of the adjutant-general and the approval of the commander-in-chief. Adjutant-general.

For the adjutant-general, to be apportioned equally among the companies of the fifty-fourth regiment, national guard, in repayment of advances made by them, for lockers, gun racks and other fixtures in the state armory at Rochester, three thousand dollars; and for payment to the separate troop of cavalry, Captain Miller, twelfth brigade, national guard, for moneys paid by it in the purchase of its equipment, three thousand dollars. Ib.

For aiding separate companies of infantry, and new companies in regiments and battalions of the national guard, in uniforming and equipping, sixty thousand dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief. Uniforms for national guard.

For replacing the uniforms, arms, equipments and furniture lost by the eighth regiment of the national guard in the destruction of its armory by fire on the seventeenth of February, eighteen hundred and seventy-eight, the sum of forty-nine thousand nine hundred and fifty-six dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief. Replacing uniforms, etc., of the 8th reg. N. G.

For replacing the furniture lost by the third brigade of the national guard in the destruction of the eighth regiment armory by fire on the seventeenth of February, eighteen hundred and seventy-eight, the sum of six hundred and fifty dollars, or so much thereof as may be necessary, to be paid on the audit of the adjutant-general and the approval of the commander-in-chief. Replacing furniture lost by 3rd brigade N. G.

For Sing Sing prison, for building a new dock, twenty-three thousand dollars; for partitions, plastering ceilings and walls, and for other necessary alterations in the building heretofore used as a female prison, four thousand dollars; for iron fence around the south-east and north-east gates, including fastenings and other trimmings, three thousand dollars; for new shops and necessary repairs and alterations of old shops, thirty thousand dollars, and for library for the prison, five hundred dollars. Sing Sing prison.

For Auburn prison for relaying floors in shops, one thousand five hundred dollars; for one thousand feet of new hose and for hydrant houses, one thousand five hundred dollars; for iron stair case to front and rear entrance to prison and for stairs leading to north and south walls, one thousand dollars; for addition to work shops, one thousand five hundred dollars; for putting night bars on twelve hundred and seventy-two cells, and for material for the same, two thousand five hundred dollars; for five new guard-houses and for repointing wall Auburn prison.

one thousand dollars, and for library for the prison, five hundred dollars.

Clinton prison.

For Clinton prison, for constructing a stone wall to inclose about three acres of the prison grounds, five thousand dollars; for repairing shoe shop, and for setting boilers and engines, three thousand dollars, and for library for the prison, five hundred dollars.

Religious instruction to convicts.

For securing additional religious instruction to convicts in the several state prisons, the sum of fifteen hundred dollars, to be expended under the direction of the superintendent of state prisons.

Asylum for insane convicts.

For the asylum for insane convicts at Auburn, for completing and furnishing lower ward of new wing; for laying floor in first ward; for repaving, painting and furnishing second ward; for ceiling third ward; for repairing, painting and furnishing center building; for alterations to front entrance; for rebuilding green-house; for washing machine; for steam pump and connections; for covering steam pipes; for airing court for female patients, and for library books, the sum of six thousand two hundred and twenty-five dollars.

State reformatory.

For the New York state reformatory at Elmira, for maintenance of the reformatory; for employing the prisoners thereof, and to perfect the establishment as projected, fifty thousand dollars, to be expended under the direction of the managers thereof.

Soldiers and sailors' home.

For the New York state soldiers and sailors' home at Bath, for the payment of existing indebtedness against the same, or the association formerly owning the same, thirteen thousand three hundred and sixteen dollars; for the completion and furnishing of its buildings and the construction of a water reservoir and the laying of water pipes, fifty-four thousand and forty-five dollars; and for the support and maintenance of its inmates during the fiscal year commencing October first, eighteen hundred and seventy-eight, fifteen thousand dollars.

Homœopathic asylum for insane.

For the homœopathic asylum for the insane at Middletown, for maintenance; for engineer's house and dormitory for servants; for barn and tool house; for ice house; for double windows; for plumbing and refitting water closets; for fencing, gateway, farm improvements and grading park and grounds; for cess-pools; for furniture; for safes, and for farm stock and implements, nineteen thousand two hundred and fifty dollars.

Hudson river state hospital.

For the Hudson river state hospital for the insane, for the completion of the center building; for plumbing, water and sewer connections and hot-water boilers; for steam-heating apparatus, boilers and necessary connections; for brick-draining, food cars, tramways and hoisting-lifts; for extras, incidentals and deficiencies pertaining to the several contracts; for farm fences, stock and grounds; for farm buildings, tenements, outbuildings, and removing and repairing buildings; for books and instruments; for renewals and repairs; and for east and west sections, including laundry, drying-room, ironing-room, fan-house and connections, eighty-five thousand dollars.

State lunatic asylum.

For the New York state lunatic asylum, at Utica, for additions, alterations and repairs of buildings, thirty-five thousand six hundred and thirty-four dollars and fourteen cents; and the further sum of twenty thousand dollars, to complete the renewal and remodeling of wards seven, eight and nine of the women's department during the present fiscal year.

Willard asylum.

For the Willard asylum for the insane, for locomotive for railroad and for freight on same from Philadelphia; for one passenger car, six coal cars, two swill cars, one lumber car, and for turn-table and addi-

tional switches ; for ballasting and lining road track ; for stone walls for areas, and for culverts and sewers about and from buildings ; for machinery and furnishing shops for carpenters, smiths and machinists ; for finishing engine room and converting old shop into sleeping rooms for attendants ; for extending and enlarging barns and sheds for cows and working cattle ; for water supply, completing heating apparatus, for water and gas pipes, and for grading about new group of buildings erected in eighteen hundred and seventy-seven, for steam pump, freight thereon and setting same, and making connections to pipes and suction pipe ; for new floor and ceiling in old agricultural building and fundamental changes in same for better adaptation to asylum purposes ; for brick or sheet-iron covered ways from main kitchen to north and south wings and extension of main building ; and for iron stairs to main building for securing foundations, and tiling floor of kitchens and cook rooms of main building, for staining and painting center building and for three additional washing machines and other implements for laundry, fifty-three thousand dollars.

All laws authorizing the appointment of a building superintendent, and fixing the salary of building superintendent for Willard asylum for the insane, are hereby repealed. Repeal of laws.

For the Buffalo state asylum for the insane, to complete the buildings now in process of construction, embracing the main building, the five male wards, the work shop, kitchen, bakery, engine-room and fan-room, and for furnishing the same and preparing them for the reception of patients, the sum of one hundred and seventy-five thousand dollars. Buffalo asylum

For the society for the reformation of juvenile delinquents on Randall's island, for deficiency in appropriations for support and maintenance, thirty-three thousand five hundred and sixty dollars and ninety-one cents ; and for the erection of fire-proof stair cases in both wings of the institution, the sum of fifteen thousand dollars. Juvenile delinquents.

For the support of the female department of the western house of refuge for juvenile delinquents, from January first to October first, eighteen hundred and seventy-eight, eleven thousand two hundred and fifty dollars ; and for the erection of a kitchen and bakery, five thousand dollars. Western house of refuge.

For the support and maintenance of adult, idiotic and feeble-minded females at an experimental custodial asylum, under the management of the trustees of the New York state asylum for idiots, the sum of eighteen thousand dollars. State idiot asylum.

For the Saint Joseph's institute for the improved instruction of deaf-mutes, at Fordham, for deficiency in appropriations for support and maintenance up to January first, eighteen hundred and seventy-eight, the sum of two thousand six hundred and fifty-four dollars and eighty cents, and from January first to October first, eighteen hundred and seventy-eight, the sum of six thousand five hundred and twenty-five dollars. St. Joseph's institute.

For the western New York institution for deaf-mutes, at Rochester, for deficiency in appropriations for support and maintenance for the year ending September thirtieth, eighteen hundred and seventy-seven, the sum of two hundred and ninety-nine dollars and five cents, and for the year ending September thirtieth, eighteen hundred and seventy-eight, the sum of three thousand dollars. Western N. Y. institution for deaf-mutes.

For the central New York institution for deaf-mutes, at Rome, for the support and education of eleven deaf-mutes, for various periods of Central N. Y. institution for

deaf-
mutes

time, from September first, eighteen hundred and seventy-six, to October first, eighteen hundred and seventy-eight, in addition to those provided for by former appropriations, the sum of five hundred and sixty-six dollars and sixty-seven cents.

N. Y.
catholic
protec-
tory.
Seaman's
retreat
hospital.

For the support and maintenance of juvenile delinquents at the New York catholic protectory, fifty thousand dollars.

For the seaman's retreat hospital, on Staten Island, to pay the interest on the mortgage of fifty-five thousand dollars upon the institution, and the premiums for insurance thereon, and for necessary repairs of buildings, the sum of five thousand dollars; and the further sum of twenty-five thousand dollars to be paid by the comptroller towards discharging the principal of such mortgage.

State
inebriate
asylum.

For the state inebriate asylum, at Binghamton, for repairing the towers, cornice and battlements, the coping, walls and roof of the north wing of the asylum, and repointing and repainting front wall, in order to preserve the building from further deterioration from rain and snow, the sum of two thousand five hundred dollars.

Commis-
sioners of
quaran-
tine.

For the commissioners of quarantine, for repair of rip-raps or sea wall of Swinburne island, repair of machinery and dock and for painting; for repairs of roof of buildings on Hoffman island, and for painting; for repairs of boiler of steamer N. K. Hopkins, and for painting the steamer; for repairs of the steamer Illinois and the residence of the health officer, twenty thousand dollars, and for the care and maintenance of the quarantine establishment, ten thousand dollars.

Commis-
sioners of
emigra-
tion.

For the commissioners of emigration, for the payment of their current expenses during the year commencing on the first of May, eighteen hundred and seventy-eight, the sum of one hundred and fifty thousand dollars.

Normal
school,
Albany.

For the state normal school, at Albany, for repairs of the building, including painting, draining and ventilation, and for the purchase of furniture, two thousand five hundred dollars.

Normal
school,
Oswego.

For the state normal school, at Oswego, for repairing and enlarging the buildings, and for necessary expenses for sewers, grading grounds and repairing fences, in accordance with plans to be approved by the comptroller and the superintendent of public instruction, the sum of forty-four thousand nine hundred dollars.

State
paupers.

For the support and care of state paupers, pursuant to chapter six hundred and sixty-one, of the laws of eighteen hundred and seventy-three, for deficiency in appropriations, ten thousand dollars.

Support of
Charles
Pierce.

For the support and maintenance of Charles Pierce, an insane Indian, in the Onondaga county insane asylum, from September sixteenth, eighteen hundred and seventy-five, to December thirty-first, eighteen hundred and seventy-seven, the sum of five hundred and seventy-two dollars.

Law books
to towns.

For supplying the town of Livonia, in the county of Livingston, the town of Leyden, in the county of Lewis, the town of Cayuta, in the county of Schuyler, and the town of Chester, in the county of Orange, each, with the Revised Statutes and other books usually supplied to towns, to replace those recently destroyed by fire, the sum of fifty dollars, each, or so much thereof as may be necessary.

Hiscock,
Gifford
and
Doheny.

For Messrs. Hiscock, Gifford and Doheny, as attorneys for defendants Stephens, Belden, Denison and Gale, in the action hereinafter named, the sum of six thousand eight hundred and twenty dollars and twenty-nine cents, being the amount in full payment of the principal of two judgments for costs against the people of this state in

the action commenced in the name of the people by Attorney-General Barlow against said Stephens, Belden, Denison, Gale and others, which judgments were docketed in Albany county clerk's office, the one on the fourth day of May, eighteen hundred and seventy-seven, and the other (affirming the first judgment) on the twenty-ninth day of January, eighteen hundred and seventy-eight; and the further sum of three hundred and ninety-five dollars and fifty-eight cents for interest on said judgments.

The comptroller shall pay the above sums to the above-named attorneys upon their producing to, and filing with the comptroller, a satisfaction of both such judgments, certified to be in due form by the attorney-general.

For Rufus W. Peckham, survivor of Peckham and Tremain, as attorneys for the defendants in the action hereinafter named, the sum of two thousand nine hundred and four dollars and fifty-one cents, being the amount in full payment of two judgments for costs against the people of this state in the action commenced in the name of the people by Attorney-General Barlow against John Leahy and Jarvis Lord, which judgments were docketed in the Albany county clerk's office, the one on the twenty-third day of February, eighteen hundred and seventy-seven, and the other (affirming the first judgment) on the sixth day of February, eighteen hundred and seventy-eight. The comptroller shall pay the above sum to the above-named Rufus W. Peckham, upon his producing to and filing with the comptroller a satisfaction of both such judgments, certified to be in due form by the attorney-general.

Rufus W.
Peckham.

For P. L. Ely, as attorney for Gilbert Peterson in the action hereinafter named, the sum of two hundred and eighty dollars, being the amount in full payment of two judgments for costs against the people of this state in the action commenced in the name of the people by Attorney-General Barlow against William O. Stephens, Gilbert Peterson and others, and for interest thereon, which judgments were docketed in the Albany county clerk's office, the one on the fourth day of May, eighteen hundred and seventy-seven, and the other (affirming the first judgment) on the twenty-ninth day of January, eighteen hundred and seventy-eight. The comptroller shall pay the above sum to the above-named attorney, upon his producing to and filing with the comptroller a satisfaction of both such judgments, certified to be in due form by the attorney-general.

P. L. Ely.

For William H. Bowman, as attorney for George D. Lord in the action hereinafter named, the sum of two hundred and eighty dollars, being the amount in full payment of two judgments for costs against the people of this state in the action commenced in the name of the people by Attorney-General Barlow, against William C. Stephens, George D. Lord and others, and for interest thereon, which judgments were docketed in the Albany county clerk's office, the one on the fourth day of May, eighteen hundred and seventy-seven, and the other (affirming the first judgment) on the twenty-ninth day of January, eighteen hundred and seventy-eight. The comptroller shall pay the above sum to the above-named attorney, upon his producing to, and filing with the comptroller, a satisfaction of both such judgments certified to be in due form by the attorney-general.

William H.
Bowman.

For George F. Foote, for payment of a judgment obtained by him in the superior court of the city of New York against the state homœopathic asylum for the insane, at Middletown, entered upon

George F.
Foote.

the report of the referee filed in said court January third, eighteen hundred and seventy-eight, and for interest thereon, the sum of four thousand three hundred and seventy-seven dollars and fifty-six cents.

Attorney-general
for counsel,
payment of.

For the attorney-general, for the payment of services, expenses and disbursements of counsel appointed by the governor in behalf of the state for the prosecution of charges against DeWitt C. Ellis, late superintendent of the bank department, before the senate in eighteen hundred and seventy-seven, the sum of ten thousand dollars, or so much thereof as may be necessary; for the payment of services and expenses of counsel appointed by Attorney-General Pratt in behalf of the state, for the prosecution of charges against the late sheriff of the county of Oneida, five hundred and forty-nine dollars and eighty cents, or so much thereof as may be necessary; for the payment of services of counsel on the part of the state, selected and appointed by Governor Dix at the request of Attorney-General Pratt, on three indictments against Charles H. Phelps, in the supreme court and in the court of appeals, the sum of three thousand dollars, or so much thereof as may be necessary; for payment of services of counsel on the part of the state, on appeal from award of canal appraisers in the case of Oswego Canal Company, the sum of one hundred dollars; for the payment of services of counsel in defending in special and general term a proceeding in mandamus in which Jerome B. Parmenter was relator to compel the clerk of the senate to deliver to relator the record of proceedings of the Ellis trial for publication by him, the sum of two hundred and fifty dollars; for the services of John McKeon, as counsel on the part of the state, at the request of the prosecutor, during the investigation, before the senate committee on banks, on the charges against DeWitt C. Ellis, late superintendent of the bank department, the sum of one thousand dollars; and for the payment of the balance unpaid for services, expenses and disbursements, in the supreme court and court of appeals, of counsel on the part of the state, employed by Attorney-Generals Pratt and Fairchild, in the suits of the people against Stephens and others, the people against Lord and Leahy, the people against Belden and others, and in other suits and proceedings, relative to canal contracts and claims, six thousand five hundred dollars, or so much thereof as in the judgment of the comptroller and attorney-general may be necessary.

John M.
Clancy.

For John M. Clancy, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and seventy-eight for the first assembly district of the county of Kings, and for other expenses therein, the sum of one thousand eight hundred dollars.

John F.
Berrigan.

For John F. Berrigan, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and seventy-eight for the first assembly district of the county of New York, and for other expenses therein, the sum of seven hundred and fifty dollars.

John
Clark.

For John Clark, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and seventy-eight, for the thirteenth assembly district of the county of New York, and for other expenses therein, the sum of two thousand dollars.

Charles H.
Duell.

For Charles H. Duell, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and seventy-eight, for the thirteenth assembly

district of the county of New York, and for other expenses therein, the sum of two thousand dollars; and the further sum of nine hundred and twenty dollars for that portion of his annual salary as member of assembly, which was drawn by John Clark while occupying his seat.

For Ambrose H. Purdy, for compensation of counsel employed by him in the matter of the contested election for member of assembly in eighteen hundred and seventy-eight for the first assembly district of the county of Westchester, and for other expenses therein, the sum of three thousand dollars.

Ambrose
H. Purdy.

For the payment of awards made by the board of audit, the sum of ten thousand six hundred and thirty-four dollars and four cents, or so much thereof as may be necessary, as follows: For Almira L. Story, four hundred and thirty-seven dollars and twenty-four cents; for William Sinclair, eleven dollars; for Caroline Schwarzman, eight hundred and forty dollars; for James W. Eaton, two thousand seven hundred and ninety-four dollars; for Thomas F. Trenor, thirty dollars and fifty cents; for Frederick Bishop, three hundred and twenty dollars; for Hudson O. Tanner, three hundred dollars; for John McKenna, two hundred and fourteen dollars and five cents; for A. B. Elliot, one hundred and forty-two dollars and fifty cents; for George G. Herman, nine hundred and ninety-one dollars; for Rufus W. Peckham, one thousand dollars; for Henry Smith, one thousand dollars; for Matthew Hale, one thousand dollars; for Samuel Hand, one thousand dollars; for T. H. Ferris, seventy-two dollars and seventy cents, and for John B. Haskin, four hundred and eighty-one dollars and five cents.

Awards of
board of
audit.

For the erection of an armory in the city of Watertown, Jefferson county, for the use of the national guard in said city and county, the sum of fifteen thousand dollars, to be expended under the direction of the adjutant-general, the inspector-general, and the chief of ordnance of this state; but no part of said sum shall be expended by them except upon a contract for the completion of such armory within the limits of this appropriation, nor until an indefeasible title to a suitable site for such armory, free from all incumbrances, shall be vested in the people of this state.

Armory at
Water-
town.

For the erection of an armory in the city of Kingston, Ulster county, for the use of the national guard, in said city and county, the sum of fifteen thousand dollars, to be expended under the direction of the adjutant-general, the inspector-general and the chief of ordnance of this state; but no part of said sum shall be expended by them except upon a contract for the completion of such armory within the limits of this appropriation, nor until an indefeasible title to a suitable site for such armory, free from all incumbrances, shall be vested in the people of this state.

Armory at
Kingston.

The sum of five thousand dollars appropriated in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-six, "for removing the bars and dredging the channel of Cayuga inlet," is hereby re-appropriated for diking and dredging the channel of Cayuga inlet and its tributaries, and for repairing the pier at said inlet, under the direction of the superintendent of public works; which work shall be let by contract to the lowest responsible bidder as now required by law for the advertising and letting of public work.

Cayuga
inlet.

For the payment of interest upon canal certificates given by the canal commissioner of the middle division of the canals, in eighteen hundred and seventy-five, to Howard Soule, Junior, (for the payment of

Canal
certifi-
cates.

the principal of which certificates provision was made in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-six), the sum of one thousand nine hundred and fifty-six dollars, or so much thereof as may be necessary.

Court of
arbitra-
tion.

Sections
6 and 29,
ch. 495,
Laws 1875,
repealed.

For the payment of two years' salary of the arbitrator of the court of arbitration of the chamber of commerce of the city of New York, ending September thirtieth, eighteen hundred and seventy-eight, twenty thousand dollars; and for the payment of two years' salary of the clerk of said court, for the same period of time, six thousand dollars, pursuant to section six of chapter four hundred and ninety-five, of the laws of eighteen hundred and seventy-five, and from and after the said thirtieth day of September, eighteen hundred and seventy-eight, said section six, and also section twenty-nine of said chapter four hundred and ninety-five, of the laws of eighteen hundred and seventy-five, are hereby repealed.

Contractor's
deposits.

The unexpended balance of the appropriation of twenty-two thousand eight hundred dollars made in chapter one hundred and ninety-three of the laws of eighteen hundred and seventy-six, "to refund to contractors the amounts deposited by them, in trust, with the late treasurer, in pursuance of chapter eight hundred and fifty of the laws of eighteen hundred and seventy-two, and chapter seven hundred and sixty-six of the laws of eighteen hundred and seventy-three, with such equitable interest as may be due thereon," being the sum of seven thousand nine hundred and ninety-one dollars and eighty-five cents, is hereby reappropriated for the same purpose.

Weed,
Parsons &
Co.

For Weed, Parsons and Company, for four sets, sixth edition, of Revised Statutes, per resolution of the assembly, passed January thirty-first, eighteen hundred and seventy-eight, sixty-four dollars; for two sets, sixth edition, of Revised Statutes, and lettering same, per resolution of senate passed February seventh, eighteen hundred and seventy-eight, thirty-four dollars; for making index to volume two, Session Laws of eighteen hundred and seventy-eight, known as the Code of Civil Procedure, two hundred and fifty dollars; for printing and binding five thousand two hundred copies of the census of eighteen hundred and seventy-five, including one hundred and forty-five thousand six hundred lithographic maps, per concurrent resolution passed May sixteenth, eighteen hundred and seventy-seven, seventeen thousand two hundred and fifty-five dollars and seven cents; for printing and binding thirteen thousand five hundred copies of school registers for the department of public instruction, in eighteen hundred and seventy-seven, pursuant to the provisions of section nineteen, title one, chapter five hundred and fifty-five, of the laws of eighteen hundred and sixty-four, and a like number for eighteen hundred and seventy-eight, eight thousand one hundred dollars; for binding for the secretary of state one hundred volumes of plates of fossils for geological survey of the state, in full cloth and half-Turkey morocco, fifty-three dollars; for ruling and printing, for the census bureau, blanks of various sizes, for making out copy for the publication of the census of eighteen hundred and seventy-five, four hundred and thirty-two dollars and seventy-five cents; for printing blanks and labels, and binding, for the state cabinet of natural history, four hundred and ninety-nine dollars and forty-five cents, to be paid on the certificate of the curator; for printing one hundred and fifty copies of the testimony before the special committee of the senate to investigate certain allegations made in the New York World against Senator William B.

Woodin, six hundred and twenty dollars and forty cents; for printing testimony, pursuant to resolution of the senate passed May fourth, eighteen hundred and seventy-seven, and furnishing postage for the senate committee on banks, in the matter of De Witt C. Ellis, late superintendent of the bank department, eight hundred and ninety dollars and thirty-seven cents; for printing and binding five hundred copies, in three volumes, law sheep, of the testimony taken before the senate on the trial of the charges against De Witt C. Ellis, as superintendent of the bank department, together with the testimony taken by the senate committee on banks, and the journal of the senate in the same case, pursuant to resolution of the senate passed August seventeenth, eighteen hundred and seventy-seven, five thousand two hundred dollars, or so much thereof as may be necessary, to be paid on the certificate of the clerk of the senate under whose direction the work was done; for furnishing copies of convention document, number one, to the senate in eighteen hundred and seventy-three, pursuant to resolution of the senate passed March nineteenth, eighteen hundred and seventy-three, one hundred dollars; for printing five hundred copies of general index to the laws of the state, volume five, eighteen hundred and seventy-six to eighteen hundred and seventy-eight; five hundred copies of general index to all bills printed in the years eighteen hundred and seventy-two to eighteen hundred and seventy-seven, both inclusive; five hundred copies of general index of the papers on file in the assembly for the years eighteen hundred and seventy-three to eighteen hundred and seventy-seven, both inclusive, and five hundred copies of general index to bills presented to the assembly and not acted on, during the years eighteen hundred and seventy-three to eighteen hundred and seventy-seven, both inclusive (all of which having been prepared by the clerk of the assembly pursuant to resolution of the assembly, passed May twenty-fourth, eighteen hundred and seventy-seven, and ordered printed and bound), four thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the clerk of the assembly that the work has been properly executed and delivered; for printing blank, descriptive, order and letter books, for the use of the national guard, for the office of the adjutant-general, four hundred and five dollars, to be paid on the certificate of the adjutant-general; for printing for the assembly committee on apportionment, twenty-eight dollars, to be paid on the certificate of the chairman of the committee, for printing testimony taken before the assembly committee on privileges and elections, in the cases of Morris against Purdy, Duell against Clark and Bradley against Clancy, one thousand six hundred and ninety-five dollars and seventy-six cents; and for printing and binding, in two volumes, five hundred copies of the continuation of the general index to the documents of the state of New York, from seventeen hundred and seventy-seven to eighteen hundred and seventy-seven, both years inclusive, prepared by the clerk of the senate, pursuant to a resolution of the senate passed May twenty-four, eighteen hundred and seventy-seven three thousand six hundred and twenty-four dollars, or so much thereof as may be necessary, to be paid on the certificate of the clerk of the senate under whose direction the work was executed.

For the Argus company, for printing six hundred copies of charges preferred by the governor against DeWitt C. Ellis, late superintendent of the bank department, forty-four dollars and ten cents; for printing six hundred copies of the journal of the extra session of the senate,

Argus
company.

at Saratogo, one hundred and ninety-seven dollars and forty-cents ; for printing six hundred copies of the testimony taken before the senate in extra session at Saratoga, on charges against DeWitt C. Ellis, late superintendent of the bank department, three thousand one hundred and thirty-five dollars and thirty cents ; and for printing six hundred copies, and binding four hundred in cloth and one hundred in full leather, of " the testimony and arguments of counsel before the senate on charges against John F. Smyth, superintendent of the insurance department," and six hundred copies of the "journal of the senate," pursuant to resolution of the senate adopted March twelve, eighteen hundred and seventy-eight, the sum of one thousand three hundred and eight dollars.

Jerome B. Parmenter.

To be refunded.

New capitol.

Sidewalks and cross-walks.

Furniture.

Care of north center portion.

For Jerome B. Parmenter, for printing and binding five thousand four hundred copies of the annual report of the state engineer and surveyor, on railroads, for the year eighteen hundred and seventy-seven, the sum of twelve thousand three hundred and twelve dollars and ten cents, to be refunded to the treasury of the state by the several railroad companies of this state, in proportion to their respective gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five, and the several acts of the legislature in relation thereto.

For continuing the work on the new capitol building, in the manner and for the purpose indicated in section two of chapter seven of the laws of eighteen hundred and seventy-eight, and for building east and west walls of court, payable out of the surplus balances now in the treasury, not otherwise appropriated, the sum of seven hundred thousand dollars, which shall be paid by the treasurer upon the warrant of the comptroller, to the order of the new capitol commissioners, as they shall require the same. The new capitol commissioners are hereby authorized to take measures for the construction of suitable side-walks and cross-walks on and across Washington avenue in front of the new capitol building, and to purchase by contract or otherwise the furniture for the north center portion of the building, in order that such portion may be ready for occupancy on the first day of January, eighteen hundred and seventy-nine.

The new capitol commissioners are hereby charged with the care and superintendence of the north center portion of the new capitol building, when completed, and with the employment of the necessary attendants and laborers therefor, and also with the duty of providing for the heating, lighting and cleaning of the same, out of appropriations herein made for the new capitol.

PAYABLE FROM THE GENERAL FUND DEBT SINKING FUND.

Redemption of general fund debt.

For the redemption of that portion of the general fund state debt reimbursable July first, eighteen hundred and seventy-eight, eight hundred thousand dollars ; and to provide the coin for the redemption of the said state debt, the sum of twenty-four thousand dollars, or so much thereof as may be necessary.

PAYABLE FROM THE BOUNTY DEBT SINKING FUND.

Payment of general fund debt.

The balance of twenty-nine thousand one hundred and ninety-three dollars and thirty-nine cents, remaining to the credit of the bounty debt sinking fund, is hereby re-appropriated to the payment of the principal and interest of the general fund state debt.

PAYABLE FROM THE COMMON SCHOOL FUND.

For investment of the capital of the common school fund as required by law, two millions six hundred and fifty thousand dollars. Investment of capital.

PAYABLE FROM THE LITERATURE FUND.

For investment of the capital of the literature fund, as required by law, thirty-six thousand dollars.

PAYABLE FROM THE UNITED STATES DEPOSIT FUND.

For investment of the capital of the United States deposit fund, as required by law, four hundred and seventy-five thousand dollars.

PAYABLE FROM THE COLLEGE LAND SCRIP FUND.

For investment of the capital of the college land scrip fund, as required by law, seventeen thousand dollars.

PAYABLE FROM THE CORNELL ENDOWMENT FUND.

For investment of the capital of the Cornell endowment fund, as required by law, thirty thousand dollars.

§ 2. This act shall take effect immediately.

CHAP. 253.

AN ACT relating to the term of office of the supervisors of the counties of Albany, Livingston, Rensselaer and Monroe.

PASSED May 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The supervisors of the several towns and wards in cities, in the counties of Albany, Livingston, Rensselaer and Monroe, to be hereafter elected, shall be elected and hold office for a term of two years. Term of office.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed, so far as the same apply to the counties of Albany, Livingston, Rensselaer and Monroe. Repeal.

§ 3. This act shall take effect at the first election in eighteen hundred and seventy-nine.

CHAP. 254.

AN ACT to amend chapter eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for improvement of Grass river, and of the water power thereon and to check freshets therein."

Passed May 14, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of chapter eighty-three of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of Grass river, and of the water power thereon, and to check freshets therein," is hereby amended so as to read as follows:

Board of
ap-
praisers.

Schedule
and de-
scription
of lands to
be made.

Asses-
ment
upon such
lands.

Compens-
ation of
ap-
praisers.

Vacancies,
how filled.

Asses-
ments, how
made.

When as-
sessments
valid.

Appraisers
to furnish
statement
of assess-
ments, &c.

§ 7. Before proceeding to erect said dam or make such improvement as aforesaid, a board of appraisers are hereby appointed, consisting of George Parker, John R. Brinckerhoff and George B. Swan, of Saint Lawrence county, whose duty it shall be to make a schedule and description of the several lots and parcels of land in the said county of Saint Lawrence, on which there is hydraulic power dependent upon the waters of said river, and specifying the ratio, in which, in their judgment, such respective lots and parcels will be benefited by the works contemplated by this act. Also, specifying the names of the owners or occupants, so far as they may be known. And they shall assess upon the several lots and parcels of land embraced in said schedule in proportion to the benefit to be derived by each from such improvement, the sum of five thousand dollars, and thereafter, from time to time, they shall assess upon said property in the like proportion such sums as shall be necessary for the completion of the work, the cost or price of land taken therefor, and all expenses connected with said improvement, or arising therefrom. The said appraisers shall receive the sum of five dollars for each and every day necessarily spent in the discharge of their duty, which amount shall be audited and paid in the same manner as is herein provided, for the payment of the commissioners appointed by this act, and in all cases of the refusal or inability of the said appraisers to serve, their successors shall be appointed in the same manner, and under the like restrictions as are herein provided for the appointment of commissioners. In making the assessments the appraisers shall assess the hydraulic benefit according to the dynamic force of the water used by each water power owner or occupant, measured by the number of horse power of such force.

§ 2. Section nine of said chapter is hereby amended so as to read as follows:

§ 9. As soon as all appeals from any such assessment shall have been heard and decided, as aforesaid, or in case there shall be no appeals therefrom within twenty days, then at the end of twenty days from the filing thereof, said assessment shall be effective and valid and the said appraisers shall certify their action in the premises and furnish a detailed statement of their assessments to the said commissioners, who shall notify the persons whose property is assessed by advertisement and by circular, as provided in the last section, where the sum so assessed may be paid for the space of thirty days from the

day of the first publication of said notice or advertisement, and in case any of the sums so assessed shall not be paid to said commissioners within said thirty days, then, and after the expiration of said thirty days, the said commissioners may and shall proceed to collect the same in the same manner and with the same effect, as if the said several sums were the several debts of the person so assessed, due to said commissioners, and secured to be paid by mortgage upon the property so assessed as aforesaid. And the said commissioners may maintain actions at law or suits in equity for the collection of said moneys or the enforcement of such liens, and in all such suits and actions, the said detailed statement so furnished by said appraisers to said commissioners shall be conclusive evidence of the amount and validity of said assessment and of such lien and of the regularity of all previous proceedings.

Commissioners may enforce collection.

Detailed statement, evidence.

§ 3. Nothing in this act contained shall affect any suit now pending.

§ 4. This act shall take effect immediately.

CHAP. 255.

AN ACT in relation to the payment of assessments for local improvements in the city of New York.

PASSED May 14, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time within two years after the passage of this act, any person liable therefor may pay to the officer authorized to receive the same the amount of any assessment for any local improvement in the city of New York heretofore confirmed and now unpaid, with interest thereon at the rate of eight per cent from the date of confirmation.

Payment of past due assessments.

§ 2. Where any installment or installments of any assessments have been paid under the provisions of chapter one hundred and three of the laws of eighteen hundred and seventy-six, or of chapter one hundred and fifty-nine of the laws of eighteen hundred and seventy-seven, the amount of such assessment or assessments remaining unpaid may be paid within the time aforesaid, with interest thereon at the rate of eight per cent from the date of confirmation.

Installments.

§ 3. Upon such payment in full as hereinbefore provided, such assessment or assessments shall cease to be a lien upon the property, and shall be deemed fully paid, satisfied and discharged, and there shall be no further interest or penalty by reason of such assessment or assessments not having been paid within the time heretofore required by law, or by reason of any statute heretofore requiring the payment of any penalty or interest over the rate of eight per cent per annum upon any unpaid assessment.

When to cease to be a lien.

§ 4. No provision of this act shall be construed as applicable to or affecting any assessment for the collection of which assessment the property has been sold.

Construction.

§ 5. This act shall take effect immediately.

CHAP. 256.

AN ACT relating to the coroners of the city and county of New York, their duties and compensation.

PASSED May 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Salary of coroners, and allowance for expenses.

SECTION 1. Each of the coroners of the city and county of New York, hereafter elected as provided by law, shall be paid in full satisfaction for his services a yearly salary of five thousand dollars, and shall be allowed for contingent expenses, including clerk and office hire, and all other incidental expenses, a sum not to exceed two thousand dollars per annum, which contingent and incidental expenses shall be audited and paid as the contingent and incidental expenses of other officers of the said city and county are audited and paid ; and said salary and allowance shall be in lieu of all his fees or compensation heretofore a charge upon the county of New York or the mayor, aldermen and commonalty of the city of New York.

What physicians to make inspection and autopsy.

§ 2. In all cases where the coroners of said city and county are authorized to issue a subpoena to a qualified physician to view the body of a person deceased, or make an autopsy thereon, as may be required, the subpoena of the coroner shall hereafter be issued only to one of the physicians appointed, as in this statute directed, and it shall be the duty of the physician to whom such subpoena is so issued, to make the inspection and autopsy required, and to give evidence in relation thereto at the coroner's inquest.

Coroner's physicians.

§ 3. The board of coroners of the city of New York shall, within five days after the passage of this act, by a writing filed in their office and published in the City Record, appoint four qualified physicians, who shall be residents in said city, to perform the duties in the preceding section specified, and shall be known as "coroner's physicians." Thereafter each coroner of said city elected as provided by law, shall, on assuming office, appoint successors to the physicians herein provided for. Any vacancy in the office of coroner's physicians shall be * filed by the board of coroners. The board of coroners, for cause, may remove the physicians appointed by them.

Salary.

§ 4. It shall be the duty of the board of estimate and apportionment of said city, from time to time as it may determine, to fix the salary to be paid to the physicians appointed as in this statute directed for performing the duties herein provided. The salary to be paid to each of said physicians shall not in any one year exceed the sum of three thousand dollars. The salaries in this act provided for shall be paid monthly by the mayor, aldermen and commonalty of the city of New York.

Duties.

§ 5. Each of said coroners heretofore elected shall attend to an equal or proportionate part of the cases in which a coroner is required to act in said city and county ; and after the thirty-first day of December, eighteen hundred and seventy-eight, there shall be paid to each of said coroners, during the remainder of his term of office, the fees or compensation now provided by law.

Fees.

* So in the original.

§ 6. So much of section one of chapter four hundred and sixty-two of the laws of eighteen hundred and seventy-one, as provides that "For making said external examination, the physician shall receive three dollars; for making such autopsy he shall receive ten dollars; and such sum shall be a county charge, and paid by the board of supervisors" is hereby repealed. The act chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-eight, entitled "An act to fix the compensation of the coroners of the city and county of New York," passed May four, eighteen hundred and sixty-eight, is also hereby repealed, but such repeal shall not take effect until the first day of January, eighteen hundred and eighty.

Repeal of part of ch. 462, Laws of 1871.

Repeal of ch. 565, Laws of 1868.

§ 7. This act shall take effect immediately, except as herein otherwise specially provided.

CHAP. 257.

AN ACT to authorize the common council of the city of Ogdensburg to raise money for the purpose of finishing and furnishing additional school rooms for the common schools of said city.

PASSED May 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of Ogdensburg may cause to be raised by taxation upon the taxable property in the said city in the year eighteen hundred and seventy-eight, a sum not exceeding one thousand five hundred dollars for the purpose of finishing and furnishing additional school rooms for the common schools in said city.

Additional school rooms, tax for finishing, etc., authorized.

§ 2. The money when so raised shall be placed by the treasurer of said city to the credit of the board of education of said city and shall by said board be expended for the purposes mentioned in the first section of this act.

Money, to be credited to board of education.

§ 3. This act shall take effect immediately.

CHAP. 258.

AN ACT in relation to payment of railroad fares on the Ogdensburg and Lake Champlain railroad.

PASSED May 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Ogdensburg and Lake Champlain Railroad Company is hereby authorized and empowered to charge and collect in addition to the amount now authorized by law, the sum of ten cents from each passenger who shall not have purchased a ticket, but shall pay his fare on the cars from one station to another on its road at

Additional fare, authorized.

Proviso.

which the company shall keep and maintain a ticket office, and shall give to each passenger paying such sum of ten cents a ticket or coupon, the presentation of which at the office of any station agent on said road shall entitle the holder to demand and receive from the company the said sum of ten cents. But nothing herein contained shall authorize the company to demand more than the amount now authorized by law from passengers who shall purchase tickets at the stations of the company or relieve the company from any penalty for overcharge as now provided by law except as above provided.

§ 2. This act shall take effect immediately.

CHAP. 259.

AN ACT to establish the compensation of the county judge and the surrogate of Saratoga county, pursuant to the fifteenth section of the amended sixth article of the constitution.

PASSED May 15, 1878; three-fifths being present.

The People of the State of New York represented in Senate and Assembly, do enact as follows:

County judge and surrogate, salaries of, established.

SECTION 1. Pursuant to the fifteenth section of the amended sixth article of the constitution, the annual salaries of the county judge and surrogate of Saratoga county in this state, are hereby established as follows, namely: the salary of the county judge of Saratoga county, from and after the first day of January, in the year one thousand eight hundred and eighty-three, is hereby fixed at the sum of fifteen hundred dollars. The salary of the surrogate of Saratoga county, from and after the first day of January, in the year one thousand eight hundred and eighty-four, is hereby fixed at the sum of fifteen hundred dollars.

Repeal.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 260.

AN ACT to provide for a new school-house in the town of Gravesend, Kings county, New York.

PASSED May 15, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. Cornelius Bennett, John H. Kouwenhoven and John L. Voorhies of the town of Gravesend are hereby appointed commissioners to purchase a site and erect thereon a suitable building for school purposes, in said town.

Oath of office.

§ 2. Before entering upon the discharge of their duties, they shall severally take and subscribe the constitutional oath of office and file the same in the office of the clerk of said town. Such oath may be

taken before any person authorized to take acknowledgments of deeds.

§ 3. Neither of said commissioners shall be allowed any pay or compensation for their services.

Compensation.

§ 4. When such commissioners shall have selected and fixed upon a suitable site, they shall proceed to acquire the title thereto, in the name of the school district in which the same may be located, but nothing herein contained shall be deemed to authorize the taking of any property against the consent of the owner thereof.

Commissioners to acquire title to site.

§ 5. They shall cause the conveyance therefor to be duly recorded and a survey, map, and abstract of the title to such property to be filed in the town clerk's office in said town.

Record of conveyance, etc.

§ 6. The said commissioners shall, so soon as a suitable site has been selected and acquired, proceed without any unnecessary delay, to erect thereon a suitable school-house, according to such plans as they may adopt.

Erection of school-house.

§ 7. All expenses incurred by the said commissioners shall be paid by warrants drawn on the treasurer of said town who shall pay all bills certified by the commissioners to be correct, and any and all payments so made shall be allowed him in the auditing of his accounts; providing that nothing herein contained shall authorize the expenditure of more than four thousand dollars, and the said commissioners are hereby prohibited from making or allowing to be made any debt against the said site and building or to expend, or to contract or agree to expend thereon, a greater or larger sum than said four thousand dollars.

Expenses, how paid.

Proviso as to amount, etc.

§ 8. The said site and building, when completed, shall be inspected by the school commissioner of the district wherein the same is located and when approved by him, the commissioners herein named shall turn over the building, site and appurtenances to the trustees of the school district, within whose bounds the said building is located, and thereupon their powers and duties in and about the premises as such commissioners shall cease.

When building to be turned over to trustees.

§ 9. This act shall take effect immediately.

CHAP. 281.

AN ACT to prevent accidents on railroads operated by steam power in the state of New York.

PASSED May 15, 1878 ; three-fifths being present.

The People of the State of New York; represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person or persons who shall get on or off a freight car or engine while in motion, or who shall ride on any wood or freight car, unless employed by or with permission from the proper officers of such railroad, or the person in charge of such car or engine, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of twenty-five dollars or three months' imprisonment, or both fine and imprisonment.

§ 2. This act shall take effect immediately.

CHAP. 262.

AN ACT to release certain lands which have escheated to the state to Louisa Hanneder, widow of Joseph Hanneder, late of the city of Albany, New York.

PASSED May 15, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of
the state
released.

SECTION 1. All the estate, right, title and interest of the people of the state of New York of, in and to all that certain lot or parcel of land situate, lying and being in the city of Albany, on the south side of Madison avenue, formerly Lydius street, between Lark and Knox streets, and bounded as follows, namely: Beginning at a point in the south line of Madison avenue (formerly Lydius street) distant three hundred and fifty-seven feet westerly of the west line of Lark street, and runs thence southerly at right angles with Madison avenue (formerly Lydius street) one hundred feet; thence westerly on a line with Madison avenue (formerly Lydius street) twenty-five feet; thence northerly to a point in the south line of Madison avenue (formerly Lydius street) distant twenty-five feet from the starting point; thence easterly along the south line of Madison avenue (formerly Lydius street) twenty-five feet to the place of beginning; and which escheated to the state of New York upon the death of the said Joseph Hanneder, late of the city of Albany, New York, are hereby released to Louisa Hanneder, widow of the said Joseph Hanneder, and to her heirs and assigns forever.

Proviso.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any claim, right or interest of any heir-at-law, devisee or grantee of the said Joseph Hanneder, or any creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 263.

AN ACT to release the interest of the people of the state of New York in and to certain real estate in the city of New York, in the state of New York, of which Peter W. Duncan or Eliza Kelly, or both of said persons, died seized and possessed, to the persons who, according to the statutes of this state, would answer the description of heirs-at-law of such deceased persons, whether they were citizens or aliens, at the time of the death of said Peter W. Duncan or Eliza Kelly.

PASSED May 15, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Title of
the state
released

SECTION 1. All the estate, interest and property which the people of this state may have acquired by escheat at the death of Peter W.

Duncan, late of the city of New York, or of Eliza Kelly, late of Forney, county of Longford, Ireland, or of both of said persons, in and to certain real estate situated in the city of New York, known as number one hundred and forty-two Cherry street, and number ten Hamilton street, in said city, and more particularly described in deed dated April first, eighteen hundred and seventy-one, and recorded in liber of conveyances eleven hundred and seventy-three, page two hundred and fifty-nine, on April third, eighteen hundred and seventy-one, and the deed dated April eighth, eighteen hundred and seventy-three, and recorded in liber of conveyances twelve hundred and fifty-two, page one hundred and fifty-five, April eighth, eighteen hundred and seventy-three, in the office of the register of the city and county of New York, is hereby released to those persons who, according to the statutes of this state, would answer the description of heirs-at-law of said Peter W. Duncan and Eliza Kelly, or either of them, at the time of their decease, whether such persons so answering the description of heirs-at-law of said Peter W. Duncan or Eliza Kelly were citizens or aliens, and they and each of them are hereby authorized and empowered to hold and convey the same in the same manner and with the like effect as if the said persons so answering the description of heirs-at-law had been natural born citizens of the United States.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise. Proviso.

§ 3. This act shall take effect immediately.

CHAP. 264.

AN ACT to authorize corporations organized under the laws of this state to reduce their capital stock.

PASSED May 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any corporation or company organized under general or a special law of this state, and now existing, or which may hereafter be organized under such general or special law, may diminish its capital stock, by complying with the provisions of this act, to any amount which may be deemed sufficient and proper for the purposes of the corporation. But nothing in this act shall be so construed as to relieve any holder or owner of stock in such corporation from any personal liability existing prior to such reduction; provided, that nothing in this act contained shall be construed to in any manner interfere with, or affect any law now in existence, authorizing any corporation heretofore organized to reduce its capital stock.

May diminish capital stock.

Proviso as to effect of act.

§ 2. Whenever any company shall desire to call a meeting of the stockholders for the purpose of diminishing the amount of its capital stock, it shall be the duty of the trustees or directors to publish a notice signed by at least a majority of them, in a newspaper in the county in which the business of the company is carried on, or its principal office is located, if any, shall be published therein, at least three successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder, at his usual place of

Notice of meeting to reduce stock.

Vote
necessary.

Stock how
reduced.

Certificate.

Where
filed.

Approval
of comp-
troller.

residence, at least three weeks previous to the day fixed upon, for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to diminish the capital; and a vote of at least two-thirds of all the shares of stock shall be necessary to a diminution of the amount of its capital stock.

§ 3. If at the time and place specified in the notice provided for in the preceding section of this act, the stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy, and if in canvassing the votes it shall be found that a sufficient number of votes has been given in favor of diminishing the amount of capital, a certificate of the proceedings showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be diminished, shall be made, signed and verified by the chairman, and such certificate shall be acknowledged by the chairman and filed in the office of the clerk of the county in which the business of the company shall be carried on, and a duplicate thereof in the office of the secretary of state, with the approval of the comptroller endorsed thereon, to the effect that the reduced capital is sufficient for the proper purposes of the company, and is in excess of all debts and liabilities of the company, exclusive of debts secured by trust mortgages, and that the actual market value of the stock of the company prior to the reduction of the capital, was less than the par value of the same, and when so filed the capital stock of such corporation shall be reduced to the amount specified in such certificate.

§ 4. This act shall take effect immediately.

CHAP. 265.

AN ACT to release the interest of the state in real estate of which Peter Welden, late of the county of Richmond, died seized, to Patrick Doran.

PASSED May 15, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
the state
released.

SECTION 1. All the estate, right, title and interest of the state of New York, acquired by escheat of, in and to the real estate of which Peter Welden, late of the town of Middletown, in the county of Richmond, died seized, which real estate is situated in the town of Middletown and county aforesaid, and is particularly described in a deed bearing date March eighth, eighteen hundred and seventy-eight, and recorded in the clerk's office of Richmond county, made and executed by Walter T. Elliot, referee, to Patrick Doran, is hereby released to said Patrick Doran, his heirs and assigns forever.

Proviso.

§ 2. Nothing in this act contained shall impair or affect the rights of any devisee, heir at law, mortgagee or creditor in the said real estate.

§ 3. This act shall take effect immediately.

CHAP. 266.

AN ACT to provide for the opening, grading and paving of a certain portion of DeKalb avenue in *in the city of Brooklyn.

PASSED May 15, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that portion of DeKalb avenue, in the city of Brooklyn, between Knickerbocker avenue and Wyckoff street as laid down on the map or plan of said city, is hereby declared to be one of the public streets or avenues of said city, and the attorney and counsel of said city is hereby authorized and directed to take the proper proceedings and to make application to the supreme court of the second department, at a general term thereof, for the appointment of three persons as commissioners to estimate the expense of the said improvement, and the amount of damages to be ascertained therefrom by the owners of lands and buildings and all other persons interested in the premises who may be affected thereby. All existing laws relating to or regulating proceedings for opening streets and avenues in said city or defining the powers or prescribing the duties of commissioners for opening streets or avenues in said city, shall apply to said proceedings and commissioners and all existing laws relating to, or regulating the levy, assessment and collection of the cost and expense of opening a street or avenue in the said city including the awards for damages and payments thereof shall apply to said proceedings for opening said portion of said avenue.

Portion of avenue declared public.

Application for commissioners.

Proceedings for opening, etc.

§ 2. The said department of the city works of the city of Brooklyn are hereby authorized and directed, immediately after the passage of this act and before the completion of said proceedings for opening said avenue as provided in the preceding section, to grade and pave said portion of said avenue from Knickerbocker avenue to Wyckoff street, although there be no money in the city treasury applicable to or appropriated for such improvement; the said work of grading and paving said avenue shall be done by contract, founded on sealed bids and proposals, advertised by said department of city works in the corporation newspapers for at least ten days, which bids and proposals shall be publicly opened and announced at the next meeting of said board, with the name of the bidder, the rate or amount proposed and the name of the sureties; and before awarding any contract all the bids or proposals received shall be published for at least six days in the newspapers aforesaid, and the contract for said work shall be awarded to the lowest bidder. All existing provisions of law relating to the assessment and collection of the cost and expense of the grading and paving of streets and avenues in the city of Brooklyn shall apply to said work of grading and paving and the cost and expense thereof shall be levied, assessed and collected in the same manner.

Grading and paving.

Work to be done by contract, etc.

Assessment and collection of expense.

§ 3. The said city of Brooklyn shall not be liable to pay for such grading and paving except so far as it receives money from the assessment hereinbefore provided for in the preceding section of this act; but the mayor, comptroller and clerk of said city are hereby author-

Liability of city.

* So in the original.

Certifi-
cates,
issue of.

Proviso.

ized and directed, from time to time as the work progresses, to issue certificates for the amounts falling due under the terms of the contract for said work, which certificates shall express the duty and obligation of the said city as hereinbefore stated, and shall bear interest at the rate of seven per cent per annum. Nothing herein contained shall be construed as obligating said city to pay said certificates except from moneys collected from said assessment for said improvement.

§ 4. This act shall take effect immediately.

CHAP. 267.

AN ACT for the dissolution of the corporation known as "The Jews' Orphan and Indigent Asylum in New York, and for the division of its property.

PASSED May 15, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Division
of prop-
erty.

SECTION 1. The trustees of the corporation known as "The Jews' Orphan and Indigent Asylum in New York," incorporated January eleventh, one thousand eight hundred and fifty-two, are hereby authorized to make application to the supreme court for the first judicial department by petition presented to said court at a special term, for an order empowering and directing the said trustees to divide the property and effects of the said corporation equally, share and share alike, between the two corporations respectively known as "The Hebrew Benevolent and Orphan Asylum Society of the city of New York" (for the orphan asylum thereof), and "The Home for Aged and Infirm Hebrews of New York."

Dissolu-
tion of
corpora-
tion.

§ 2. If it shall appear to the satisfaction of the court or the justice to whom such application shall be presented that the said order should be made, such order may thereupon be entered, and the said trustees shall thereupon forthwith make a formal transfer of the property and effects of the said corporation, and on the acceptance thereof by the two corporations last named in the preceding section of this act, the said corporation heretofore known as "The Jews' Orphan and Indigent Asylum in the city of New York," shall thereupon cease and be dissolved.

Proviso.

§ 3. Nothing herein contained shall be so construed as in any manner to affect any pending suit or liability of said corporation.

§ 4. This act shall take effect immediately.

CHAP. 268.

AN ACT to release the interest of the people of the state of New York in and to certain surplus moneys arising upon the sale of certain land, of which Dedrick Harth died seized.

PASSED May 15, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the right, title and interest of the people of the state of New York in and to the surplus moneys arising upon the referee's sale in a certain action in the supreme court, brought by the German savings bank against Gustav Franz Reinhardt, sole surviving executor of the last will and testament of Dedrick Harth, deceased, and others, to foreclose a certain mortgage upon land in the village of Williamsburg, county of Kings and state of New York, and of which said Harth died seized, is hereby released to the heirs-at-law, and the devisees named in the will of said Harth, their heirs, executors and administrators forever, and they are hereby authorized and empowered to take the same, as if they had been citizens of the United States at the time of said Harth's death. Title of the state released.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right or interest of any creditor or mortgagee in or to the said money. Proviso.

§ 3. This act shall take effect immediately.

CHAP. 269.

AN ACT making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight, and to provide for an anticipated deficiency in former appropriations.

PASSED May 16, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of the revenues of the state canals, for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-eight, for paying the expenses of the collection of tolls, the superintendence and ordinary repairs of the canals, the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, the state engineer and surveyor, the canal appraisers and the incidental charges and expenses of their office, the salary of the auditor of the canal department, the clerk hire therein, and the incidental charges and expenses thereof, the sum of eight hundred and eighty-one thousand two hundred dollars, or so much thereof as may be neces- Appropriation.

How ap- plied.	sary to be expended during the fiscal year, to be distributed, applied, apportioned and disposed of as follows :
Superin- tendent of public works.	For the salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works, thirty thousand dollars, or so much thereof as may be necessary.
State en- gineer and surveyor.	For the salary and traveling expenses of the state engineer and surveyor, five thousand and two hundred dollars.
Superin- tendents of repairs.	For the salaries of the superintendents, or other officers, charged with the repairs of the canals, twenty-six thousand dollars, or so much thereof as may be necessary.
Canal ap- praisers.	For the salaries and traveling expenses of the canal appraisers, or such other person or persons as may by law be appointed to perform the duties now performed by the canal appraisers, for the clerk hire and the incidental expenses of their office, twenty-five thousand dollars, or so much thereof as may be necessary.
Auditor.	For the salary of the auditor of the canal department, five thousand dollars, and for the deputy auditor and clerk hire in said department, fifteen thousand dollars.
Engineers.	For the salaries and compensation of the engineers employed on the ordinary repairs of the canals, including the incidental expenses of such engineers, thirty thousand dollars, or so much thereof as may be necessary.
Collectors.	For the salaries and compensation of the collectors of canal tolls and their clerks, the inspectors and measurers of lumber, and of boats and their cargoes, the weigh-masters and assistant weigh-masters, including the incidental expenses of said collectors and weighmasters, sixty-five thousand dollars, or so much thereof as may be necessary.
Weigh- masters	
Inci- dentials.	For the payment of such incidental and miscellaneous charges and expenses as are authorized by existing statutes to be paid out of the canal revenue and charged to the account of the Erie and Champlain canal fund and the canal debt sinking fund, under article seven of the constitution, forty thousand dollars, or so much thereof as may be necessary.
Lock tending and or- dinary repairs.	For the payment of the expenses of lock tending, and of the ordinary repairs of the completed canals of the state, the sum of six hundred and forty thousand dollars, or so much thereof as may be necessary.
Further appropri- ation.	§ 2. The further sum of one hundred and fifty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the revenue of the canals for the current fiscal year which ends September thirtieth, eighteen hundred and seventy-eight, to be distributed and applied as follows :
Weigh- masters	For the payment of the salaries of the weigh-masters and their assistants, including the incidental expenses of said weigh-masters, eleven thousand dollars, or so much thereof as may be necessary.
Ordinary repairs.	For the ordinary repairs of the three divisions of the canals, the sum of one hundred and forty-four thousand dollars, or so much thereof as may be necessary. This sum is in addition to the sum of six hundred and forty thousand dollars, appropriated by chapter three hundred and nine of the laws of eighteen hundred and seventy-seven, but nothing contained in this act or any previous act shall be construed as authorizing a greater expenditure than seven hundred and eighty-four thousand dollars for lock tending and the repairs of the canals during the fiscal year ending September thirtieth, eighteen hundred and seventy-eight.

§ 3. The salaries, traveling expenses, clerk hire and office expenses of the superintendent and assistant superintendents of public works for the fiscal year ending September thirtieth, eighteen hundred and seventy-eight, shall be paid from the sums appropriated by act, chapter three hundred and nine of the laws of eighteen hundred and seventy-seven, for the salaries and clerk hire of the canal commissioners and the superintendents of repairs. Superintendent of public works.

§ 4. The sum of five thousand dollars, or so much thereof as may be awarded by the canal board, is hereby appropriated from the revenues of the canals for the fiscal year ending September thirtieth, eighteen hundred and seventy-eight, to pay the expenses of the commission upon tolls, and for compensation of the commissioners appointed by the canal board July tenth, eighteen hundred and seventy-seven. Tolls commission.

§ 5. This act shall take effect immediately.

CHAP. 270.

AN ACT re-appropriating money for the payment of sums due to contractors for new work upon and extraordinary repairs of the canals.

PASSED May 16, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The unexpended balance of the sum of four hundred thousand dollars, appropriated by section two of chapter four hundred and twenty-five, of the laws of eighteen hundred and seventy-six, "for the payment of all sums now due and not otherwise provided for, or which may hereafter become due to contractors on final account, or on completion of their contracts, with the interest now allowed by law on deferred payments," being the sum of two hundred and nineteen thousand, eight hundred and seventy-four dollars and thirty-three cents, or so much thereof as shall remain unexpended on the twenty-fifth day of May, eighteen hundred and seventy-eight, is hereby re-appropriated to pay the sums which may finally be adjudged by the canal board or any court of record to be due to contractors on monthly estimates, or on final account for extraordinary repair work on the canals, and which have not heretofore been compromised and settled, together with the interest now allowed by law on deferred payments. Re-appropriation for payments to contractors.

§ 2. The unexpended sum of fifteen thousand dollars, appropriated out of any moneys in the treasury to the credit of the fund for extraordinary repairs, by the fourth section of chapter four hundred and twenty-five, of the laws of eighteen hundred and seventy-six, being the said sum of fifteen thousand dollars, or so much thereof as may remain unexpended on the twenty-fifth day of May, eighteen hundred and seventy-eight, is hereby re-appropriated for the original objects and purposes, to wit : For the construction of a retaining wall on the Erie canal on the north and east side of the bridge across the canal on James street, in the city of Rome, along the southerly line of Whitesboro' street, the sum of three thousand dollars, or so much thereof as may be necessary. For the construction of an ~~iron~~ bridge, with double roadways Re-appropriation.

For retaining wall in Rome.

Bridges in Rome.

Proviso.

and foot passages, over the Erie canal at James street, in the city of Rome, or for the enlargement and completion of the present bridge at said point, so as to make it a bridge as described ; and for the removal of the present bridge at said point, if a new one shall be there constructed, and its reconstruction at some other point to be designated by the superintendent of public works, or if said bridge be not removed, for the erection of a new bridge at such designated point over the Erie canal, the sum of twelve thousand dollars, or so much thereof as may be necessary. Before the bridges mentioned above shall be constructed or any expenditures made thereon, the city of Rome shall fully indemnify the people of this state against any claim for damages that may arise in consequence of building the same.

§ 3. This act shall take effect immediately.

CHAP. 271.

AN ACT to prevent the avoiding or passing the gate of the Halfmoon Bridge Company without payment of toll.

PASSED May 16, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Penalty for avoiding or passing gate without paying toll.

SECTION 1. Whenever any person shall forcibly pass the gate belonging to the Halfmoon Bridge Company without paying the legal toll, or whenever any person shall pass said gate by way of the canal aqueduct for the purpose of shunning the gate of said company at their bridge over the Mohawk river, between the counties of Albany and Saratoga, the person so offending shall forfeit to the said company the sum of one dollar for each and every such offense, which amount so forfeited the said company are hereby empowered to recover in an action of debt, with costs of suit.

§ 2. This act shall take effect immediately.

CHAP. 272.

AN ACT supplementary to an act, entitled " An act to amend 'an act to incorporate the city of Ogdensburg, passed April twenty-seventh, eighteen hundred and sixty-eight, and the acts amending the same,' " passed May second, eighteen hundred and seventy-three, providing for a depository of the public funds of the said city.

PASSED May 16, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Depository of public funds.

SECTION 1. The common council of the city of Ogdensburg shall, in the month of June, eighteen hundred and seventy-eight, and annually thereafter at the times and in the manner hereinafter provided,

designate some bank, banker or banking house in said city, to be the depository of the public moneys of said city, for the year beginning on the first day of June next following, except that the depository first appointed under the provisions of this act, shall immediately assume the duties of such depository, and continue till the first day of June, eighteen hundred and seventy-nine.

§ 2. The clerk of the said city shall within ten days after the passage of this act, and annually on the first Wednesday of May in each year thereafter, advertise for one week in all the daily and weekly newspapers published in said city, for sealed proposals from the banks, bankers and banking houses in said city, to act as the depository of the public moneys of said city for the year next ensuing. Said proposals shall state the rate of interest which the bidder will pay to said city, on the daily balances standing to the credit of the city, and only such proposals shall be considered by the common council. Such proposals shall be sealed, and directed to the mayor of said city, and delivered to him within ten days after the first publication of said advertisement. It shall be the duty of the common council to meet in the month of June, eighteen hundred and seventy-eight, and within ten days after the completed publication of such advertisement in each year thereafter, for the purpose of considering such proposals. At such meeting the mayor, or in his absence, the acting mayor shall publicly open such proposals, and thereupon the common council shall accept the offer of the bank, banker, or banking house proposing to pay the highest rate of interest on said daily balances, to the credit of said city, and shall designate such bank, banker, or banking house as such depository for the year beginning on the first day of June in such year, and such proposal, acceptance, and designation shall be entered upon the records of said city.

§ 3. The clerk of said city shall, immediately after such acceptance and designation, notify the bank, banker, or banking house so designated, of such acceptance and designation, whereupon and before such depository shall receive any moneys belonging to said city, such depository shall execute, acknowledge, and deliver to the clerk of said city, a bond to the said corporation, in such penalty as shall be directed by the common council and with such sureties as the common council shall approve, conditioned that such depository shall, on the last day of each month, pay and account for the interest on such daily balances, at the rate in such accepted proposal stated, and will faithfully pay all such orders as shall be drawn upon the treasurer of said city, and shall pay the same only on the order of the mayor countersigned by the clerk; and at the end of the term will faithfully pay over to his or their successor, all moneys that shall remain in his or their hands, belonging to said city. In case the bond offered shall not be approved by the common council, the award shall be made to the bidder offering the next highest rate of interest to that upon which the award shall have been first made, upon his or their complying with all the conditions of this act.

§ 4. Upon the approval of such bond the clerk shall notify the treasurer of said city of the appointment of such public depository, as annually made, and that the bond required by this act has been approved, and thereupon it shall be the duty of such treasurer to deposit with such depository, within forty-eight hours after the service of such notice, all the moneys in his possession or under his control, belonging to said city; and he shall from time to time, thereafter, deposit with

designa-
tion of.

City clerk
to adver-
tise for
proposals.

Proposals.

Meetings
to con-
sider
same.

Accept-
ance of
proposals.

Designa-
tion.

Record.

Notice of
accept-
ance, etc.

Bond of
deposi-
tory.

In case of
non-
approval,
award to
whom
made.

Notice to
city treas-
urer.

Duty of
treasurer
as to de-
posits.

Penalty.

such depository all funds which shall come to his hands, as such treasurer, or as collector, within twenty-four hours after he shall receive the same, and for every failure or neglect of said treasurer to make such deposit within the time so limited, he shall be liable to a penalty of one hundred dollars, for each offense, to be sued for in the name, and for the use of said city.

Monthly report of interest.

§ 5. The treasurer shall report to the common council, at its first meeting in each month, the amount of interest that shall have accrued to said city, under the provisions of this act, for the preceding month; and all such sums of interest shall be passed to the credit of the general fund of said city.

Repeal.

§ 6. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 7. This act shall take effect immediately.

CHAP. 273.

AN ACT to provide for the payment of counsel employed by the attorney-general in behalf of the state.

PASSED May 17, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of three thousand dollars is hereby appropriated to the attorney-general to pay counsel employed in behalf of the state, by the late attorney-general, in the years one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, in the case of the people of the state of New York against Henry D. Denison and others, whose compensation has not been otherwise provided for.

§ 2. This act shall take effect immediately.

CHAP. 274.

AN ACT in relation to trust companies and certain other moneyed corporations.

PASSED May 18, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reduction of capital stock.

SECTION 1. It shall be lawful for any trust company or other moneyed corporation required to report to the superintendent of the bank department by chapter three hundred and twenty-four of the laws of eighteen hundred and seventy-four, organized under the laws of this state, to reduce its capital stock to an amount which shall be equal to the value of the property and effects of such company, over and above its debts and liabilities, and thenceforth the capital stock of such company shall be such reduced amount, and the par value of the shares thereof shall be reduced in the same proportion; but in no case shall such capital stock be reduced below one hundred thousand dollars.

§ 2. Whenever a trust company shall propose to reduce its capital stock, due notice thereof shall be given to the superintendent of the bank department, signed by a majority of its board of trustees, and accompanied by the written assent, duly acknowledged or proven, to such reduction, of at least two-thirds in amount of the shareholders of such company, and it shall be the duty of the said superintendent, on the receipt and filing of such notice, and within a reasonable time thereafter, to make or cause to be made an examination of the books, property, effects and liabilities of such company, upon which examination the officers of such company may be examined on oath as to the debts, liabilities, property and effects thereof. From the result of such examination the said superintendent shall determine the value, in his judgment, of such property and effects, above and beyond the debts and liabilities aforesaid, and certify the same in writing; and the amount so determined and certified shall be thereafter the capital stock of such company, provided such amount be not less than one hundred thousand dollars, and the par value of the shares thereof shall be proportionably reduced.

Notice of reduction.

Examination of assets.

Certificate of value.

§ 3. The determination and certificate in writing of the superintendent of the amount to which the capital stock of any corporation has been reduced under this act shall be recorded in the office of the clerk of the county in which such company shall be located, and a certified copy thereof filed in the bank department of the state of New York, and the same shall be published by said superintendent at the expense of such company, once a week for six weeks successively, in the state paper, and at least one newspaper in the county in which such company shall be located.

Record of certificate.

Publication.

§ 4. Nothing in this act contained shall in any way change or affect the liability of the stockholders of any corporation reducing its capital stock to any of the creditors thereof for any indebtedness or engagement that may exist, either absolutely or contingently, against such company or stockholders, at the time when such reduction shall take place, nor shall the rights, remedies or securities of the then existing creditors be in any way weakened or impaired thereby.

Liability of stockholder.

§ 5. Any corporation that may reduce its capital stock under the provisions of this act may, after such reduction has been made, increase its capital stock to a sum not exceeding the amount provided in the charter of such company, or any act amendatory thereof. Such increase shall be apportioned among the then stockholders of such company, who shall severally be notified in writing of such apportionment. And such notification shall be mailed to or delivered at the last known residence of each shareholder. And if they or any of them shall not within one month after service of such notice accept the amount so apportioned, then such increase or the amount not accepted by the stockholders may be sold and distributed by the board of trustees of such company in such manner as such board shall determine. Upon the payment to the company in money of such increased capital, the board of trustees shall certify to the said superintendent of the bank department the said increase of capital and the payment thereof, and it shall be the duty of the bank superintendent to require evidence satisfactory to him that the increased capital of such company has been actually paid in in money, and such proof shall be in writing and shall be filed in the bank department.

Increase of capital stock.

How made, etc.

§ 6. Whenever it shall appear from any report of a trust company or other moneyed corporation which is required to report to the super-

Power of superintendent of

bank department,

intendent of the bank department by chapter three hundred and twenty-four, of the laws of eighteen hundred and seventy-four, or the superintendent shall have reason to believe that the capital of any such corporation is reduced by any cause below the sum fixed by its charter or by law, it shall be the duty of the superintendent, and he shall have power, to require such corporation to make good such deficit, and he shall have power to examine any such corporation, either personally or by persons appointed by him to ascertain the amount of such deficit or deduction of capital. If any such corporation shall refuse or neglect to make good the deficit found to exist for ninety days after such requisition has been made, it shall thereupon be the duty of the superintendent to report the facts to the attorney-general, whose duty it shall then become to institute such proceedings against such corporation as the nature of the case may require.

Superintendent to report annually.

§ 7. It shall be the duty of the superintendent of the bank department to report annually to the legislature a summary of the state and condition of every trust company and other moneyed corporation required to report to him by chapter three hundred and twenty-four, laws of eighteen hundred and seventy-four, from which reports have been received during the preceding year; and such summary shall give the date to which such reports refer, the amount of capital returned by each of said corporations, the whole amount of its debts and liabilities, the total sum of its resources, and such other information as he may deem useful; and the bank superintendent shall also report to the legislature annually an abstract of the report of the regular examination of every such corporation made by his direction.

§ 8. This act shall take effect immediately.

CHAP. 275.

AN ACT to amend chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code."

PASSED May 18, 1878; three-fifths being present, and two-thirds of the members of each House present, concurring therein.*

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Amending Laws 1870, ch. 80.

SECTION 1. Section three of chapter eighty of the laws of eighteen hundred and seventy, entitled "An act to provide for the enrollment of the militia, for the organization of the national guard of the state of New York, and for the public defense, and entitled the Military Code," is hereby amended so as to read as follows:

Military enrollment.

§ 3. Under the direction of the commander-in-chief, and whenever he deems it necessary, and orders such enrollment to be made, all persons liable to military duty, other than members of the national guard, shall be enrolled by suitable persons, to be appointed by the commander-in-chief in each town and city of the state. Such enrollment shall distinctly state the name and residence of each person

How made.

* See § 6 of article XI of the Constitution of the State of New York.

enrolled. Three copies of such enrollment shall be prepared by the person making it, and after the same have been corrected, as herein provided, one shall be filed in the office of the town or city clerk in which such enrolling person's district is situated, one shall be filed in the office of the clerk of the county wherein such district is situated, and one shall be filed in the adjutant-general's office. The person making such enrollment may, with the approval of the commander-in-chief, appoint one or more proper persons, to assist in making said enrollment and copying said rolls; the persons making such enrollment shall be compensated at the rate of two dollars and fifty cents per day for every day necessarily spent in making and copying the same; the number of days to be certified by the adjutant-general, and not to exceed ten, and the amount of such compensation to be paid by the comptroller upon production of such certificate, together with certificates of the town clerk, county clerk and adjutant-general, that the said rolls have been duly filed in their offices. Such rolls shall be so filed within ten days after the said enrollment shall be made; and the officer or person making such enrollment shall, at the time of making the same, serve upon each person enrolled, a notice, by delivery to him personally, or by leaving it with some person of suitable age and discretion at his place of residence, that he is enrolled as liable to military duty. All persons, except members of the national guard and of regularly organized fire companies or departments, claiming exemption from such duty, must on or before the fifteenth day then next ensuing file a written statement of such exemption, verified by affidavit, in the office of the county, town or city clerk, to be designated in said notice; blank notices for such purpose shall be furnished by the adjutant-general. Such clerk shall thereupon, if such person be exempt according to law, mark the word "exempt" opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, shall constitute the reserve militia of the state, and such clerk shall transmit a copy of such corrected roll to the adjutant-general. To the end that the members of the national guard and of regularly organized fire companies or departments shall not be thus enrolled, the commanding officer highest in rank in the national guard and in the fire department in each city or town shall, whenever an enrollment is ordered, file in the office of such county, town or city clerk a certified list of the names of all persons in his command.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. For the purpose of preparing such enrollment, the assessors in each city, village, town or ward of this state, shall allow persons appointed for that purpose, as above provided, at all proper times, to examine their assessment rolls and to take copies thereof, and the clerks of all counties, towns and cities shall, in like manner, at all proper times, allow the said persons to examine and copy the poll lists on file in their offices.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. All hotel, inn or tavern keepers, keepers of boarding houses, persons having boarders in their families, and any master or mistress of any dwelling-house, shall, upon the application of any person authorized to make such enrollment, give information of the names of all persons residing or lodging in such houses, liable to be enrolled, and all other proper information concerning such persons as such authorized person may demand.

Where
filed.

As-
sistants.

Compensation.

Filing.

Notice of
enrollment.

Claims to
exemption.

Where
filed.

Duty of
clerk.

Reserve
militia.

List of
firemen
and
national
guards-
men to be
filed.

Enroll-
ing
officer may
examine
assess-
ment rolls.

Duty of
inn-
keepers,
etc.

§ 4. Section six of said act is hereby amended so as to read as follows:

Penalty
for refus-
ing in-
formation.

For false
state-
ments or
conceal-
ments.

Penalties,
how re-
ceived.

§ 6. If any person of whom information is required by any such authorized person, in order to enable him to comply with the provisions of this act, shall refuse to give such information, or shall give false information, he or she shall forfeit and pay ten dollars for each item of information demanded of him or her by any such authorized person and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information, when applied to by any such authorized person, or shall give a false name or information, shall forfeit and pay a like sum; such penalties to be recovered in any court of competent jurisdiction, in the name of the people of the state of New York; and it is hereby made the duty of such authorized person to report the names of all persons who may incur any penalty in this section prescribed, to the district attorney of the district in which they reside, whose duty it shall be to prosecute the same; and any person against whom a judgment may be recovered for the said penalties shall be liable to arrest upon execution in the same manner and to like effect as executions against the person are now issued from courts of record of this state.

§ 5. Section seven of said act is hereby amended so as to read as follows:

Organiza-
tion of
military
districts.

§ 7. The commander-in-chief shall organize and arrange the state into such division districts as local circumstances and public convenience will permit; and he may alter, divide, annex, consolidate or disband the districts in his discretion, and retire any officer rendered supernumerary by any such alteration, division, annexation, consolidation or disbandment. The present division districts shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, annex, consolidate, transfer or disband the same.

§ 6. Section eight of said act is hereby amended so as to read as follows:

National
guards
how com-
posed.

Aggregate
force.

When may
be in-
creased.

§ 8. The national guard of the state of New York shall consist of the present uniformed militia, and such volunteers as shall enroll themselves or enlist therein, and shall be organized in such number of divisions, brigades, regiments, battalions, troops, batteries and companies, and of such arms of the service as the commander-in-chief may determine and designate. The present divisions, brigades, regiments, battalions, troops, batteries and companies shall remain as now established, subject, however, to the power of the commander-in-chief to alter, divide, consolidate, transfer or disband the same; provided that the aggregate force of the same, in time of peace, fully armed, uniformed and equipped, shall not exceed the number of twenty thousand, non-commissioned officers, musicians and privates; but the commander-in-chief shall have power, in case of war, insurrection or invasion, or imminent danger thereof, to increase the force beyond the said twenty thousand, and organize the same as the exigencies of the service may require.

§ 7. Section nine of said act is hereby amended so as to read as follows:

When
comman-
der-in-
chief
may ap-

§ 9. The commander-in-chief is authorized and empowered to appoint the brigade, regimental, battalion, troop, battery and company officers in the first instance, necessary to complete any organization hereafter created, and to fill all vacancies necessary to complete any

organization now existing in the state, but not sufficiently organized for an election. point officers.

§ 8. Section ten of said act is hereby amended so as to read as follows:

§ 10. The commandant of each division district is authorized and empowered to appoint the non-commissioned officers required by law for each company in his district, and to issue to such non-commissioned officers warrants of their appointment, which shall remain in force until the organization of the regiment or battalion is completed. Appointment of non-commissioned officers.

§ 9. Section eleven of said act is hereby amended so as to read as follows:

§ 11. To every troop, battery or company of cavalry, artillery or infantry, there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, eight corporals, two musicians; and, to every troop or company of cavalry or infantry, there shall be from thirty to eighty-four privates, and to every battery of artillery there shall be from sixty-four to one hundred and four privates; and in the discretion of the commander-in-chief there may be added to the battery organization one first lieutenant, two sergeants, four corporals and one guidon, and to every troop of cavalry and battery of artillery there shall be one additional second lieutenant, and also one veterinary surgeon, with rank of sergeant-major. Officers and privates of troops, batteries and companies.

§ 10. Section twelve of said act is hereby amended so as to read as follows:

§ 12. Forty-six non-commissioned officers, musicians and privates shall be the minimum, and one hundred the maximum, of the troop and company organization of cavalry, infantry and Gatling battery; and eighty and one hundred and twenty of the same, the minimum and maximum of the battery organization of artillery; and all troop, battery and company officers shall use their best efforts to obtain volunteers and recruit their commands so that the minimum shall always be exceeded. Minimum and maximum of cavalry, infantry, battery, etc.

§ 11. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. Volunteers may be received and enlisted in any troop, battery, or company; and they shall be enlisted in the first instance for a term of five years, and, on the expiration of that term, they may be re-enlisted, either immediately or at any time thereafter, for terms of one or more years, at the option of the volunteer; and the same privileges of re-enlistment shall be accorded to all persons who have been honorably discharged from the army or navy or volunteer force of the United States; but no person above the age of forty-five years shall be enlisted; and no person under the age of twenty-one years shall be enlisted without the consent of his parent or guardian; and no non-commissioned officer, musician or private shall leave one troop, battery or company to enlist in another, without the written consent of the commandant of the regiment or battalion, and of the commandant of the troop, battery or company to which he belongs, provided, however, that non-commissioned officers, musicians and privates who have changed their residence from one division district to another division district may enlist in a troop, battery or company of the division district into which they have removed, without such consent, and in that case they shall be dropped from the rolls of the troop, battery or company in which they were serving, and a certificate of their time of service therein shall be furnished to them; and, in case of re-enlistment. Volunteers. Terms. Re-enlistment. Limits as to age. Change from one company to another.

Dis-
charge
after re-
enlist-
ment.
Transfer-
red from
one com-
pany to
another.

Separate
com-
panies.

Regi-
ments.

Bat-
tallions.

Reorgan-
ized regi-
ments as
battallions.

Change of
residence.

ments, the whole time of service in both troops, batteries or companies shall be computed and allowed in determining the question of discharge after five years service. On their own application enlisted men (non-commissioned officers being first reduced to the ranks) may be transferred from one company to another in the same regiment or battalion by the commanding officer of the regiment or battalion. If the transfer be from one regiment or battalion to another in the same brigade, it must be ordered by the commanding officer of the brigade. If from brigade to brigade, in the same division, by the commanding officer of the division. If from division to division by the commander-in-chief. In cities or villages, where there are no regimental or battalion organizations of infantry, separate companies of that arm of the service may be organized, to be attached to brigades or divisions; and all the provisions of the military code relating to separate troops or batteries shall apply to such separate companies of infantry, except as herein otherwise provided.

§ 12. Section fourteen of said act is hereby amended so as to read as follows:

§ 14. Each regiment of cavalry, artillery and infantry shall consist of not less than eight nor more than ten companies, one colonel, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one assistant surgeon with rank of first lieutenant, one chaplain with rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band-leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and in addition to the foregoing, each regiment of cavalry and artillery shall have one major, and each regiment of cavalry shall have one veterinary surgeon with rank of second lieutenant, and one saddler-sergeant.

§ 13. Section fifteen of said act is hereby amended so as to read as follows:

§ 15. The battalion organization shall consist of not more than seven nor less than four companies, one lieutenant-colonel, one major, one adjutant with rank of first lieutenant, one quartermaster with rank of first lieutenant, one commissary of subsistence with rank of first lieutenant, one surgeon with rank of captain, one chaplain with the rank of captain, who shall be a regularly ordained minister of some religious denomination, one inspector of rifle practice with rank of captain, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, one hospital steward, and one drum-major, one band leader (if it have a band), with rank of sergeant, two sergeant standard bearers, and two general guides with rank of sergeant; and each battalion of cavalry shall have an additional major, a veterinary surgeon with rank of second lieutenant, and one saddler-sergeant. Whenever any regiment shall fall below the number of eight companies, it may be reorganized as a battalion.

§ 14. Section eighteen of said act is hereby amended so as to read as follows:

§ 18. Any officer, non-commissioned officer, musician or private who may change his residence from within the bounds of any division

into an adjacent county, shall not thereby vacate his office or post, but he may be held to duty in the division, brigade, regiment, battalion, troop, battery or company to which he was attached at the time of such change of residence, and shall be eligible to promotion, election or appointment to office therein, and shall be entitled to all privileges, immunities and exemptions allowed by law, and shall be liable to fines and penalties, and the collection of them, in the same manner as if such change of residence had not taken place, and process for the collection of such fines and penalties may be executed in any county in the state; provided, however, that non-commissioned officers, musicians and privates may avail themselves of the provisions relating to their change of residence from one division district to another, contained in section thirteen. Proviso.

§ 15. Section twenty of said act is hereby amended so as to read as follows :

§ 20. All existing uniformed companies of the national guard in any city or village shall be deemed to be organized under the provisions of this act, provided that each such company is of the minimum strength required by section twelve of this act. Existing companies.

§ 16. Section twenty-one of said act is hereby amended so as to read as follows :

§ 21. Whenever four uniformed companies of infantry shall be organized in the first instance in any of the division districts of this state, the commander-in-chief may organize them into a battalion, and order an election to be held for the choice of suitable persons to fill the offices of lieutenant-colonel and major in such battalion, by directing some suitable officer to give the proper notice of such election, and to preside thereat. When battalions may be organized.

§ 17. Section twenty-two of said act is hereby amended so as to read as follows :

§ 22. As soon as the field officers of two or more regiments or battalions in any of the division districts of the state shall be duly chosen and commissioned, the commander-in-chief shall order an election to be held for the choice of a suitable person to fill the office of brigadier-general in such brigade, by directing some suitable officer to give the proper notices of such election, and preside thereat, unless such brigadier-general shall already have been elected or appointed as provided by this act. Brigadier-general, election of.

§ 18. Section twenty-four of said act is hereby amended so as to read as follows :

§ 24. Commissioned officers rendered supernumerary by consolidation, alteration or disbandment of regiments, battalions, troops, batteries or companies, or in any other lawful manner, shall be exempt from jury duty and also from military duty, except in case of war, insurrection or invasion; provided they shall, within one year from the date of being rendered supernumerary and yearly thereafter, report themselves as such to the adjutant-general; and the commander-in-chief may assign to active duty supernumerary officers who have so reported to the adjutant-general, and when on such active duty, they shall enjoy all the privileges, emoluments and immunities to which commissioned officers of the same grade, in the national guard, on active duty, are entitled. Supernumerary officers.

§ 19. Section twenty-six of said act is hereby amended so as to read as follows :

§ 26. The inspector-general shall have the rank of brigadier-general; Inspector-general.

Assistants, etc. and in the corps of inspectors-general there shall be an assistant inspector-general with the rank of colonel, and such acting assistants as shall be required may be appointed by the inspector-general, with the approval of the commander-in-chief, who shall hold office during the pleasure of the inspector-general; and to each division an inspector with the rank of lieutenant-colonel, and to each brigade an inspector with the rank of major.

§ 20. Section twenty-eight of said act is hereby amended so as to read as follows:

Engineer-in-chief, etc. § 28. The engineer-in-chief shall have the rank of brigadier-general; and in the corps of engineers there shall be to each division an engineer, with the rank of lieutenant-colonel; and to each brigade an engineer with the rank of major.

§ 21. Section twenty-nine of said act is hereby amended so as to read as follows:

Judge-advocate-general, etc. § 29. The judge-advocate-general shall have the rank of brigadier-general; and in the corps of judge-advocates there shall be to each division a judge-advocate with the rank of lieutenant-colonel; and to each brigade a judge advocate with the rank of major.

§ 22. Section thirty of said act is hereby amended so as to read as follows:

Surgeon-general. § 30. The surgeon-general shall have the rank of brigadier-general; and in the medical corps there shall be to each division a surgeon with the rank of lieutenant-colonel; to each brigade a surgeon with the rank of major; and to each regiment a surgeon with the rank of captain, and an assistant surgeon with the rank of first lieutenant; and to each battalion a surgeon with the rank of captain; all of whom shall be graduates of some incorporated school of medicine, and commissioned by the commander-in-chief on the recommendation of the surgeon-general.

Qualifications.

§ 23. Section thirty-two of said act is hereby amended so as to read as follows:

Paymaster-general. § 32. The paymaster-general shall have the rank of brigadier-general; and in the paymaster's corps there shall be an assistant paymaster-general with the rank of colonel, and so many paymasters with the rank of major, as the exigencies of the service may require; to be appointed by the commander-in-chief, on the recommendation of the paymaster-general, and hold their offices during the pleasure of the commander-in-chief.

Paymaster's corps.

§ 24. Section thirty-five of said act is hereby amended so as to read as follows:

Governor may make changes in staff corps, etc. § 35. The commander-in-chief is authorized and empowered, in his discretion, to make such changes in the organization of the several staff corps as he may deem expedient, and to prescribe, by rules and regulations, the appointment of and the duties to be performed by the officers of such corps, which shall conform to those that are prescribed for the government of the staff corps of the army of the United States in so far as it is practicable; and in time of war, insurrection or invasion, or imminent danger thereof, and when the exigencies of the service shall require, the commander-in-chief may appoint and commission, not exceeding three, additional aids on his staff, with the rank of colonel; and also, such number of assistants, with the rank of colonel, lieutenant-colonel, or major, in the several staff corps, as in his judgment shall be necessary; but such assistants shall hold their commissions only during the pleasure of the commander-in-chief, and

Additional staff in war times.

during the term of service of the chief of the staff corps in which they shall be appointed; and the commander-in-chief may detach officers of the general staff from their special service, and detail them for other duties whenever he deems it expedient to do so; and he may also impose upon them additional duties by giving them acting appointments for such purpose.

Detail of officers.

§ 25. Section thirty-six of said act is hereby amended so as to read as follows:

§ 36. The adjutant-general shall keep a roster of all the officers of the military forces of the state, containing the date of their commissions, their rank, the division, brigade, regiment, battalion, troop, battery or company to which they belong, and the places of their residence, as accurately as can be ascertained, which roster shall be revised and corrected every year; and he shall also enter into a book, to be kept for that purpose, a local description of the several division districts.

Roster of officers.

§ 26. Section forty-two of said act is hereby amended so as to read as follows:

§ 42. It shall be the duty of the inspector-general to visit, at least once in every two years, each regiment and battalion in the state. He shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals and military store-houses; and he shall report to general head-quarters the improvement in discipline and tactical instruction of the national guard, as well as other matters appertaining to his department.

Duty of inspector-general.

§ 27. Section forty-seven of said act is hereby amended so as to read as follows:

§ 47. The division and brigade inspectors, whenever required by the inspector-general, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request, report to him upon any matter properly belonging to his department, which may require examination within their respective division districts.

Reports of division and brigade inspectors.

§ 28. Section fifty-two of said act is hereby amended so as to read as follows:

§ 52. He shall, under the direction of the commander-in-chief, dispose of, to the best advantage, all damaged powder, and all ordnance, arms, ammunition, accoutrements, tools, implements and warlike stores of every kind whatsoever, that shall be deemed unsuitable for the use of the state, after a proper inspection by an officer of his department.

Sale of damaged stores.

§ 29. Section fifty-four of said act is hereby amended so as to read as follows:

§ 54. On the requisition of any commanding officer, transmitted through his intermediate commanders, and having their approval, the chief of ordnance, with the approval of the commander-in-chief, shall issue to such commanding officer for the use of his command, such military property of the state, belonging to the ordnance department, as the said command is entitled to, and as may be found necessary for its use, and, under the direction of the commander-in-chief, he may make purchases for such purpose.

Military property, how issued.

§ 30. Section fifty-five of said act is hereby amended so as to read as follows:

§ 55. The division and brigade ordnance officers shall annually report to the chief of ordnance the condition of the ordnance, arms,

Division and brigade ord-

nance
officers to
make re-
port.

implements and other equipments in use by the organizations attached to their respective divisions or brigades, and the commandants of regiments and battalions and of separate troops, batteries and companies shall annually, on or before the thirtieth day of September, make a return to the chief of ordnance of the number and condition of all the arms and equipments and ordnance stores in their possession, under such regulations as he may prescribe.

§ 31. Section sixty-four of said act is hereby amended so as to read as follows:

Staff of
com-
mander-in-
chief.

§ 64. The staff of the commander-in-chief shall consist of the adjutant-general, who shall be chief of staff, the inspector-general, the chief of ordnance (who shall be the commissary-general named in the constitution), the engineer-in-chief, the judge-advocate-general, the surgeon-general, the quartermaster-general, the paymaster-general, the commissary-general of subsistence, the general inspector of rifle practice, three or more aides-de-camp, with the rank of colonel and a military secretary with the rank of colonel; all of whom, except the chief of ordnance, shall be appointed by the governor, and their commissions shall expire with the term for which the governor appointing them shall have been elected.

§ 32. Section sixty-five of said act is hereby amended so as to read as follows:

Aids to
major and
brigadier-
generals.

§ 65. Major-generals shall be entitled to two aides-de-camp with the rank of major, and one aide-de-camp with the rank of captain; and brigadier-generals to one aide-de-camp with the rank of captain, and one aide-de-camp with the rank of first lieutenant, in addition to the staff officers hereinbefore provided for.

§ 33. Section sixty-six of said act is hereby amended so as to read as follows:

Staffs of
divisions,
brigades,
etc.

§ 66. Major-generals, brigadier-generals and commanding officers of regiments or battalions shall appoint, subject to the provisions of section sixty-nine of this act, the staff officers of their respective divisions, brigades, regiments or battalions, whose term of office, unless they are reappointed, shall expire when the officers appointing them shall retire from office; provided, however that they shall continue in office until their successors shall be appointed and have qualified.

§ 34. Section sixty-seven of said act is hereby amended so as to read as follows:

Non-com-
missioned
staff.

§ 67. Sergeant-majors, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, hospital stewards, drum-majors, band leaders, sergeant standard bearers and general guides shall be appointed by the commanding officer of the regiment or battalion to which they belong, by warrant under the hand of such commanding officer, and shall hold their offices during his pleasure.

§ 35. Section sixty-nine of said act is hereby amended so as to read as follows:

Commis-
sions of
officers.
Examina-
tions.

§ 69. The commissioned officers of the national guard shall be commissioned by the governor, but he may, in his discretion, withhold such commission in order to determine the qualifications of the person for the office to which he shall have been elected or appointed, except in the case of aides-de-camp; and, if upon reference to the inspector-general, or an examining board or in the case of a staff officer, other than aides-de-camp, upon reference to the chief of the staff corps to which he belongs, who shall examine the person elected or appointed and report thereon, such person shall be adjudged unqualified for

such office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and, in default of such election or appointment, the vacancy shall be filled by the commander-in-chief. No commissioned officer can be removed from office, unless by the senate, on recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, or retiring or examining board, or pursuant to law. But, whenever any regiment shall fall below the minimum strength, as is established by this act, and the same shall have been designated as a battalion, the colonel shall be relieved from command of such battalion and rendered supernumerary, unless otherwise ordered by the commander-in-chief.

Removals
from
office.

When
colonels
may be
retired.

§ 36. Section seventy of said act is hereby amended so as to read as follows:

§ 70. In case of the election or appointment of a supernumerary officer who has complied with the requirements of section twenty-four of this act, to office in a regiment, battalion, troop, battery or company, he may be commissioned with rank from the same date as that conferred by his previous commission for like office; and the commander-in-chief may assign any supernumerary officer of sufficient rank, who has complied with the requirements of section twenty-four of this act, to fill a vacancy on the staff of any major-general or brigadier-general or commandant of regiment or battalion who requests the same.

Supernu-
merary
officers
may be
commis-
sioned and
assigned.

§ 37. Section seventy-nine of said act is hereby amended so as to read as follows:

§ 79. The presiding officer at any election for commissioned officers shall keep the polls open at least one hour after the time appointed for holding the same, unless all entitled to vote thereat shall have deposited their ballots prior to the expiration of that hour. He shall then publicly canvass the votes received from the electors for the officers to be elected, and shall forthwith declare the result, and give notice to every person elected of his election. If such person shall not, within ten days after being notified of his election, signify to such officer his acceptance, he shall be considered as declining the office to which he shall have been chosen, and an election shall be held for a new choice.

Elections
for
officers.

Accept-
ance of
office.

§ 38. Section eighty-one of said act is hereby amended so as to read as follows:

§ 81. If at any election an officer, then in commission, shall be elected to fill a vacancy, and shall accept the office to which he may be elected, the electors present, if authorized by law, may proceed to elect a person to fill the place of the officer so promoted.

Vacancies
by elec-
tion.

§ 39. Section eighty-six of said act is hereby amended so as to read as follows:

§ 86. The commanding officers of brigades shall transmit the names of persons duly elected and approved, or appointed to offices in their respective brigades, to the commander-in-chief, to the end that commissions may be issued to them. But, before making such transmittal, the commandant of brigade shall require the persons so elected and may require those appointed, to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected or appointed by a board of examiners consisting of three commissioned officers in the brigade, above the rank of captain, to be appointed by the commandant of the brigade. On the report of such board of examiners, the commandant of the brigade shall approve or

Brigade
returns of
officers
elected.

Examina-
tion of
officers
elect.

Report
thereon.

Action of
command-
or-in-chief
thereon.

disapprove of the person elected or appointed, and state his reasons therefor, in transmitting the return of the election or appointment. And, if the commander-in-chief shall adjudge the person unqualified for the office, another person shall, within twenty days after due notice of such adverse decision, be elected or appointed, and in default of such election or appointment, the vacancy shall be filled by the commander-in-chief.

§ 40. Section ninety-two of said act is hereby amended so as to read as follows:

Election
of non-
commis-
sioned
officers,
how con-
ducted.

§ 92. Such election for non-commissioned officers shall be directed and conducted by the commanding officer of such troop, battery or company for the time being, who shall certify the names of the persons elected to the commanding officer of the regiment or battalion to which the troop, battery or company belongs, or in the case of a separate troop, battery or company, to the commandant of the division or brigade to which such separate troop, battery or company is attached, who shall decide upon the legality of the election, and shall issue warrants to the persons duly elected. But before issuing such warrants, the commandant of the regiment or battalion to which the troop, battery or company belongs, or in the case of a separate troop, battery or company, the commandant of the brigade or division to which it is attached, shall require the persons so elected to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected, by a board of examiners consisting of three commissioned officers, to be appointed by the commandants of regiments, battalions, brigades or divisions, as the case may be, respectively; and if, on the report of such board of examiners, the commandant of the regiment, battalion, brigade or division, as the case may be, shall adjudge the person so elected unqualified for the office, another person shall, within ten days after due notice of such adverse decision, be elected, and in default of such election, the vacancy shall be filled by the commandant of the regiment, battalion, brigade or division, as the case may be.

Examina-
tion of
non-com-
missioned
officers.

§ 41. Section ninety-six of said act is hereby amended so as to read as follows:

Resigna-
tions.

§ 96. Resignations of commissioned officers shall be in writing, directed to the adjutant-general, and transmitted immediately by all intermediate commanders who will indorse the same with their approval or disapproval. No officer shall be considered out of the service on the tender of his resignation, nor until it shall have been accepted by the commander-in-chief.

§ 42. Section one hundred of said act is hereby amended so as to read as follows:

Absence
of officers.

§ 100. Except as provided in section eighteen of this act, every officer who shall be absent from his command, twelve months without leave of the commanding officer of his division or brigade, or, in case of a major-general or brigadier-general, without leave of the commander-in-chief, shall be considered as having vacated his office, and a new election shall be held, or a new appointment made, without delay, to fill the vacancy so created.

§ 43. Section one hundred and one of said act is hereby amended so as to read as follows:

Retiring
board.

§ 101. The commander-in-chief is hereby authorized, so often as he may deem that the good of the service requires, to appoint a military board or commission of not less than three nor more than five officers,

to sit at such places as he shall direct, which board is hereby invested with the powers of courts of inquiry and courts-martial; and it shall be the duty of the said board to examine into the physical ability, moral character, capability, attainments, general fitness for the service, and efficiency of such commissioned officers, as the commander-in-chief may order to be thus examined. And the commandants of divisions, brigades, regiments or battalions may report to the adjutant-general any of their subordinate commissioned officers for such examination. If the decision of said board be unfavorable to such officers, and be approved by the commander-in-chief, they shall be discharged from the service; provided, always, that the members of said board shall, before entering upon the duties of their position, be sworn to an honest and impartial performance of those duties, such oath to be taken by the ranking officer of said board according to the provisions of section eighty-eight of this act, and such ranking officer shall then administer a like oath to each of the other members of said board; and provided further, that no officer whose rank or promotion would in any way be affected by the decision of said board, in any case that may come before it, shall participate in the examination or decision of the board in such case; and that two of its members shall be of at least equal grade with the officer to be examined; and that no officer shall be examined on irrelevant subjects, or in reference to military matters relating to a grade higher than that for which he is commissioned. The officers constituting such board shall receive the same pay and allowances for traveling expenses as members of court-martial.

Members
to be
sworn.

What
officers in-
eligible.

Pay.

§ 44. Section one hundred and thirteen of said act is hereby amended so as to read as follows :

§ 113. In lieu of uniforms and equipments being furnished by the state to non-commissioned officers and privates, as heretofore provided by law, there shall annually be paid by the state to the military fund of each regiment, battalion and separate troop, battery or company of infantry, for the purpose of aiding the non-commissioned officers, musicians and privates of said organizations in procuring their uniforms and equipments, a sum equal to eight dollars for each of its non-commissioned officers, musicians and privates, who paraded during the year preceding, fully uniformed, armed and equipped, according to the provisions of this act, at least seven different times, four of which, in the case of regiments and battalions, shall have been on the occasion of the parade of the whole organization. And in order to determine the amount of money to which each regiment, battalion, separate troop, battery or company will be entitled under the provisions of this section, the commandant of each regiment, battalion and separate troop, battery or company, shall transmit to the adjutant-general, during the month of December, and prior to the fifteenth day thereof in every year, a roll giving the name and description of each non-commissioned officer, musician and private in his command who paraded at least seven different times, as hereinbefore specified, stating the occasions, during the year next preceding the said month of December, which roll the said commandant shall certify to on honor. And for the purpose of paying the said sums of money, the comptroller shall draw his warrants upon the treasurer in favor of the county treasurers, in the same manner as is provided in section one hundred and seventy-eight of this act, on the certificate of the adjutant-general and inspector-general, approved by the commander-

Uniform
fund.

Annual
return of
parades.

Fund, how
paid.

Not to
be used
for other
purposes.

Exception
as to cav-
alry and
artillery.

Penalty
for selling
or secret-
ing arms,
etc.

How re-
covered.

Expense
of armo-
ries, etc.,
how paid.

When
command-
ants may
rent armo-
ries.

in-chief, showing the amount that each regiment, battalion, separate troop, battery or company is entitled to. The said money, thus appropriated for uniforms and equipments, shall be held sacred and inviolate for such purpose, and shall not, in any event, be expended for any other; provided, however, that uniforms and equipments may be furnished to new organizations, in the first instance, directly by the state. But the provisions of this section and the next preceding one relating to equipments, shall not apply to the enlisted men of the cavalry and artillery, except in so far as their personal equipments are concerned.

§ 45. Section one hundred and fourteen of said act is hereby amended so as to read as follows:

§ 114. Whoever shall secrete, sell, dispose of, offer for sale, or retain after proper demand made, or in any manner pawn or pledge any arms, uniforms or equipments, which shall have been issued under the provisions of the military code, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than two months, or by a fine of not more than one hundred nor less than fifty dollars, and any member of the national guard who shall, when not on duty, wear any such uniform or equipments without the permission of his commanding officer, shall be subject to a fine of not more than ten dollars, which fine shall be forthwith paid over to the county treasurer for the uniform and equipment fund of the regiment, battalion, separate troop, battery or company to which said arms, uniforms or equipments belonged; and it is hereby made the duty of any police justice in any city or incorporated village of this state, and of any justice of the peace, upon complaint duly made upon affidavit, showing a violation of this section, to issue a warrant for the arrest of the offender, and to cause him to be brought before such police justice or justice of the peace, to be dealt with according to law.

§ 46. Section one hundred and twenty-one of said act is hereby amended so as to read as follows:

§ 121. The expense of erecting or renting such armories and for providing the necessary camp stools, apparatus and fixtures for heating and lighting, and the fuel and gas or oil for the same, and water closets in such building, and for properly preserving from injury the arms, equipments, uniforms and records stored therein, by the construction of suitable lockers, closets, gun racks and cases for uniforms, equipments, arms and records, and for the maintenance thereof in good and safe repair, shall be a portion of the county charges of such county, and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. But no moneys shall be appropriated, or expense incurred for furnishing or decorating any building erected or rented under the provisions of this act.

§ 47. Section one hundred and twenty-two of said act is hereby amended so as to read as follows:

§ 122. In case such armory shall not be erected or rented by the supervisors for the use of such troop, battery or company, within three months after the proper application has been made therefor, and there shall have been a meeting of the board of supervisors, or in case such armory so erected or rented by the supervisors, shall, upon inspection by the inspector-general, be certified by him to be unfit or inadequate for use as an armory, the commandant of the regiment or battalion, or, in the case of a separate troop, battery or company, the commandant of the brigade or division to which such separate troop,

battery or company is attached, in his discretion, with the approval of the inspector-general, may rent a room or building, to be used as an armory, and the amount of annual rent thereof, provided the same shall not exceed the sum of five hundred dollars for each troop, battery or company in the several cities of this state, and two hundred and fifty dollars for each troop, battery or company not located in cities, shall be a county charge, and shall be levied, collected and paid by such supervisors in the same manner as other county charges are levied, collected and paid.

Expense,
how col-
lected.

§ 48. Section one hundred and twenty-seven of said act is hereby amended so as to read as follows:

§ 127. Any person who shall willfully injure any arsenal or armory, or its fixtures, or any uniforms, arms or equipments, or any other property therein deposited, shall be deemed guilty of a misdemeanor; and any person who shall introduce any wine, spirituous or malt liquor into any state arsenal, or who shall allow the selling thereof in any armory used by any part of the national guard, shall, upon conviction, be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than one hundred dollars, or imprisonment in the county jail or prison for not less than thirty nor more than one hundred days. But nothing herein contained shall be so construed as to prevent the introduction thereof when prescribed for medical purposes by a surgeon of the national guard.

Punish-
ment for
injury to
armory or
property.

Wine or
liquor in
arsenals.

§ 49. Section one hundred and thirty of said act is hereby amended so as to read as follows:

§ 130. An annual inspection and muster of all general and staff officers, and of all organizations of the national guard, shall be made at such time and place, between the first day of May and the first day of November, as the commander-in-chief shall order and direct. No person shall be mustered at the annual muster and inspection, or be permitted in the ranks on any parade or drill required by this act, who does not appear uniformed, armed and equipped suitably to the troop, battery or company to which he belongs, and according to the provisions of this act; and all members of the national guard who shall appear without such suitable uniform, arms and equipments at any parade or drill required by this act, shall be returned as absent and fined accordingly. Such inspection and muster shall be made by the inspector-general, assistant inspector-general, or an acting assistant inspector-general, of each commissioned and non-commissioned officer, musician and private present and absent, and four muster-rolls shall be officially certified to by such inspector, in accordance with such regulations and restrictions as may be prescribed by the commander-in-chief. And the said inspector shall, within fifteen days after the day of muster and inspection, file one of the said muster-rolls in the office of the adjutant-general, one with the commandant of the regiment or battalion, one with the commandant of the troop, battery or company, and retain one for filing in the office of the inspector-general.

Annual in-
spection
and mus-
ter.

Muster-
rolls.

§ 50. Section one hundred and forty-eight of said act is hereby amended so as to read as follows:

§ 148. The commandant of each brigade, accompanied by the officers of the brigade staff, uniformed, armed and equipped, as the law and regulations direct, shall annually inspect and review the several regiments and battalions in his brigade.

Brigade in-
spection.

§ 51. Section one hundred and forty-nine of said act is hereby amended so as to read as follows:

Annual
return to
inspector-
general.

§ 149. It shall be the duty of commandants of troops, batteries or companies, twenty days prior to the annual muster and inspection, to furnish the inspector-general with four copies of a muster-roll and inspection return, which will show the names and rank or grade of all the officers, non-commissioned officers, musicians and privates belonging to such troop, battery or company, upon such form as may be prescribed by the commander-in-chief, and which will also show :

1. The number of uniforms belonging to said troop, battery or company.

2. The arms and equipment in the possession of said troop, battery or company.

§ 52. Section one hundred and fifty of said act is hereby amended so as to read as follows:

Ib.

§ 150. It shall be the duty of each commandant of a regiment or battalion, twenty days prior to the annual inspection, to furnish the inspector-general with three copies of a muster-roll and inspection return of the field and staff officers, non-commissioned staff officers and musicians of said regiment or battalion, and each general officer shall furnish like rolls of his staff officers within the said time..

§ 53. Section one hundred and fifty-one of said act is hereby amended so as to read as follows :

Brigadier
may at-
tend en-
camp-
ments.

§ 151. At all encampments, the brigade commander may attend on the first day thereof to superintend, as drill officer, the exercises and manoeuvres, and to introduce the system of discipline which is or shall be prescribed by law.

§ 54. Section one hundred and fifty-two of said act is hereby amended so as to read as follows :

Muster
and in-
spection
rolls to be
compared.

§ 152. In order to secure a proper accountability of each member, and also for the security of the property issued by the state, the annual inspection and muster-rolls of each troop, battery and company, and of each regiment and battalion, shall be examined and compared by the inspector-general with the muster-in-rolls, or the last muster and inspection rolls of the several companies, batteries, troops, battalions and regiments ; and the annual appropriation of money provided by section one hundred and seventy-eight of this act shall be allowed to such regiments, battalions, troops and batteries, and separate companies only as shall make a proper return of such rolls, and upon the certificate of the inspector-general that such rolls make a satisfactory exhibit of the number of the organization and of the state property issued thereto.

§ 55. Section one hundred and fifty-three of said act is hereby amended so as to read as follows :

Inspector-
general to
report an-
nual mus-
ters and
inspec-
tions.

§ 153. It shall be the duty of the inspector-general, within thirty days after the annual musters and inspections in each year, to transmit to the adjutant-general a report of such musters and inspections of the several organizations of the national guard, uniformed, armed and equipped according to law and regulations. And the inspector-general shall make a like report with respect to the musters and inspections of the commanding officers of divisions and brigades and their respective staffs, uniformed, armed and equipped according to law and regulations.

§ 56. Section one hundred and fifty-four of said act is hereby amended so as to read as follows :

Failure of
officer to

§ 154. In case any general officer or any member of his staff shall neglect to attend such annual muster and inspection as he is required

to attend by this act, it shall be the duty of the adjutant-general to require such officer to render an excuse in writing to the commander-in-chief for his delinquency. If the commander-in-chief shall deem such excuse insufficient, he shall order a court-martial to try the delinquent.

attend
muster

§ 57. Section one hundred and fifty-five of said act is hereby amended so as to read as follows:

§ 155. The commandants of divisions shall discharge the duties, possess the powers and be liable to the penalties pertaining to their office, as granted by law or military custom, provided that no division parades, except in case of invasion, insurrection, or to aid the civil authorities, shall be ordered without the consent of the commander-in-chief.

Command-
ants of
divisions.

§ 58. Section one hundred and fifty-seven of said act is hereby amended so as to read as follows:

§ 157. There may be a camp of instruction in any of the division districts of this state, if the commander-in-chief shall so order, to be held at such time and in such manner as he shall direct; and the commander-in-chief is hereby authorized and empowered to order commissioned officers, companies, batteries, troops, battalions and regiments in such division districts, respectively, to attend such camps as he may deem proper, but in such manner that all the commissioned officers, companies, batteries, troops, battalions and regiments therein shall be ordered to attend such camp from year to year in rotation, as nearly as may be practicable; provided, always, that not more than ten thousand men in any one year shall be ordered to attend said camps; and, in case suitable ground cannot be found in such district for said camp, the same may be held in the adjoining district. Such camps shall continue for a period not exceeding ten days, and shall be governed by the rules and regulations of the army of the United States.

Camps of
instruc-
tion.

Attend-
ance.

How long
to con-
tinue.

§ 59. Section one hundred and fifty-nine of said act is hereby amended so as to read as follows:

§ 159. The commander-in-chief may designate commissioned officers of proper rank, without regard to division districts, to command such camps, forts, or other places, and may assign such other officers, also without regard to division districts, to duty as field and staff officers and instructors, as may be required to fully officer such camps and forts.

Command
of camps
of instruc-
tion, etc.

§ 60. Section one hundred and sixty-two of said act is hereby amended so as to read as follows:

§ 162. The commissary-general of subsistence shall, under the orders of the commander-in-chief, provide the subsistence necessary for said forces when so encamped or stationed, or when ordered into actual service.

Sub-
sistence.

§ 61. Section one hundred and sixty-four of said act is hereby amended so as to read as follows:

§ 164. The military forces of this state, when in the actual service of the state in time of war, insurrection, invasion or imminent danger thereof, shall, during their time of service, be entitled to the same pay, rations and allowances for clothing, as are or may hereafter be established by law for the army of the United States; provided, however, that the commander-in-chief may, in his discretion, change the pay to that specified in the next succeeding section.

Pay while
in actual
service.

§ 62. Section one hundred and sixty-five of said act is hereby amended so as to read as follows:

Pay, rate
of.

§ 165. There shall be paid to such officers, non-commissioned officers, musicians and privates, as shall be ordered into actual service or to attend encampments, and sea and lake coast defense duty, in pursuance of the provisions of this act, not to exceed the following sum each, for every day actually on duty:

1. To all musicians and privates, one dollar.
2. To all non-commissioned officers, one dollar and fifty cents.
3. To all commissioned officers of the line, below the rank of captain, two dollars.
4. To all commanding officers of companies, three dollars.
5. To all field officers, below the rank of colonel, four dollars.
6. To all commanding officers of regiments or battalions, five dollars.
7. To all regimental and battalion staff officers, two dollars and fifty cents, and to all non-commissioned staff officers, one dollar and fifty cents.
8. To all brigade-generals, six dollars.
9. To all brigade staff officers, four dollars.
10. To all major-generals, eight dollars.
11. To all division staff officers, five dollars.
12. All mounted officers and all members of any troop of cavalry or battery of artillery, mounted and equipped, shall be paid two dollars per day for each horse actually used by them.

§ 63. Section one hundred and sixty-six of said act is hereby amended so as to read as follows:

Compensation of
inspectors.

§ 166. There shall be allowed to inspectors, as compensation for their services in making the annual inspections and musters and for making proper rolls and returns thereof, the sum of five dollars for each troop, battery and company so inspected and mustered; and the same, when certified to by the inspector-general, shall be audited and paid in the same manner as other military accounts are audited and paid.

§ 64. Section one hundred and seventy of said act is hereby amended so as to read as follows:

Return of
men in
actual
service or
at camp.

§ 170. The commanding officer of every troop, battery or company which shall have been ordered into actual service or camp, or to perform sea and lake coast defense duty, in accordance with the provisions of this act, shall at the close of the actual service or of the term for which such troop, battery or company shall have been ordered to such camp or duty, make out an alphabetical roster or list of the members of his troop, battery or company who shall have appeared and performed such duty, uniformed, armed and equipped, as the law and regulations direct, and shall set opposite to each name the number of days each shall have performed duty, and the amount of pay each is entitled to receive for such service, and deliver the same, certified on oath to be correct and true, to the commanding officer of the camp or post, who shall immediately cause the same to be transcribed in a book or books to be kept by him for that purpose; such troop, battery or company commandant shall also set forth, opposite to the name of each member of his troop, battery or company, whether such member is indebted to the state in any and what amount, and the nature of the indebtedness.

§ 65. Section one hundred and seventy-five of said act is hereby amended so as to read as follows:

Pay for
members

§ 175. There shall be allowed and paid out of the treasury, on the certificate of the president and the judge-advocate, to each division,

brigade and special judge-advocate, and to the president and members of any court of inquiry or court-martial for the trial of officers, a sum equal to one day's pay for field duty, for each day he may be actually employed in said court, or engaged in the business thereof, or in traveling to and from the court, provided, however, in no case to exceed ten days' pay, and his actual traveling expenses; and to every marshal appointed by any such court, two dollars for every day, not exceeding fifteen, actually employed in the execution of the duties required of him; the same to be paid in like manner with other military accounts

of courts-martial.

Pay of marshals.

§ 66. Section one hundred and seventy-seven of said act is hereby amended so as to read as follows:

§ 177. All officers, non-commissioned officers, musicians and privates of the national guard, while on duty or assembled therefor, pursuant to the order of the sheriff of any county, or the mayor of any city, in cases of riot, tumult, breach of peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by the one hundred and sixty-fifth section of this act; and such compensation, and the necessary expenses incurred in subsisting, quartering and transporting the troops, shall be audited, allowed and paid by the supervisors of the county where such service is rendered, and shall be a portion of the county charges of said county, to be levied and raised as other county charges are levied and raised.

Pay of troops while on duty at request of sheriff or mayor.

§ 67. Section one hundred and seventy-eight of said act is hereby amended so as to read as follows:

§ 178. The comptroller shall annually draw his warrant upon the treasurer in favor of the county treasurer of each county for the sum of one thousand five hundred dollars for each regiment, and the sum of one thousand dollars for each battalion, and the sum of one thousand dollars for each separate mounted battery, and the sum of two hundred dollars for each separate battery not mounted, and the sum of six hundred dollars for each separate troop of cavalry, and the sum of three hundred dollars for each separate company of infantry, certified by the adjutant-general to be organized according to the provisions of this act, within the county; or in case any regiment, battalion or separate troop, battery or company of infantry is organized in two or more counties, then the comptroller shall draw his warrant in favor of such county treasurer as the adjutant-general may in his certificate direct; which sums, and also those paid in like manner by the state, in lieu of furnishing uniforms and equipments, as provided in section one hundred and thirteen of this act, together with the fines collected from delinquent officers, non-commissioned officers, musicians and privates, shall constitute the military fund of such regiment, battalion or separate troop, battery or company of infantry.

Regimental, battalion and company fund, payment of

Military fund of regiment, etc., how constituted.

§ 68. Section one hundred and eighty-two of said act is hereby amended so as to read as follows:

§ 182. Each county treasurer shall report, on the first day of March and September in every year, to the adjutant-general, and also to the commandants of the divisions and brigades whose commands are in part or in whole in his county, the amount of all moneys received and paid out by him on account of each regimental, battalion or separate troop, battery or company fund, and the balance then remaining in his hands, and the number or designation of the regiment, battalion or separate troop, battery or company for which the same is held in

County treasurer to make semi-annual report.

County
treasurers'
bond.

trust, stating distinctly in such report the amounts received and paid out by him on account of uniforms and equipments for each such organization. And the bond now required by law to be given by county treasurers for the faithful discharge of their duties shall be held to apply to any moneys that may come into their hands under the provisions of this act.

§ 69. Section one hundred and eighty-three of said act is hereby amended so as to read as follows:

Rules and
regula-
tions.

§ 183. The commander-in-chief is empowered to prescribe such rules and regulations as he may deem necessary to secure a proper disposition of, and accountability for, the regimental, battalion and separate troop, battery or company funds. And on the approval of the commander-in-chief, accounts for clerk hire and other necessary expenses at headquarters of divisions and brigades, when audited by the adjutant-general, shall be paid from the general fund of the state appropriated for military purposes; provided, however, that the amount of such accounts in any one year shall not exceed the sum of one thousand dollars for a division, and five hundred dollars for a brigade.

Clerk
hire, etc.

§ 70. Section one hundred and eighty-four of said act is hereby amended so as to read as follows:

Courts of
inquiry.

§ 184. Courts of inquiry, to consist of one officer of at least equal grade with the officer in relation to whom the court is instituted, may be ordered by the commander-in-chief, or by the commanding officer of a division, in relation to those officers for whose trial they are authorized to appoint courts-martial, for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct, degrading to the character of an officer, or for the purpose of settling rank. Whenever the officer in relation to whom the court of inquiry is instituted, belongs to an organization in any brigade, the judge-advocate of that brigade shall attend such court, take testimony and investigate the complaint that may come before it. In all other cases the division judge-advocate shall attend.

Judge-
advocate.

§ 71. Section one hundred and eighty-seven of said act is hereby amended so as to read as follows:

Courts-
martial,
how com-
posed.

§ 187. All other courts-martial for the trial of commissioned officers shall consist of three officers, and except as hereinafter provided, shall be ordered by the commanding officer of the division; provided, however, that, in all cases, no member of the court shall be of less grade than the accused; and also provided, that, where the division commander is the accuser, the court shall be ordered by the commander-in-chief. And in all courts-martial and courts of inquiry, the accused shall have the right to appear and be heard by counsel.

Counsel.

§ 72. Section one hundred and ninety-four of said act is hereby amended so as to read as follows:

Approval
of pro-
ceedings
and sen-
tence.

§ 194. The proceedings and sentence of every court-martial for the trial of commissioned officers shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof, within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court-martial, and to the arresting officer, and he shall publish the sentence, as approved or disapproved, in orders; but no part of such sentence shall be executed until after the time allowed for appeal has expired, and he shall also transmit such proceedings and sentence, and his approval or disapproval thereof, to the adjutant-general, to be filed in his office.

Sentence.

§ 73. Section one hundred and ninety-five of said act is hereby amended so as to read as follows:

§ 195. The right of appeal to the commander-in-chief, as it now exists by military usage, is reserved; but no appeal shall be received, unless made within twenty days after the decision appealed from has been announced in published orders; and all appeals from the decision of a court-martial, approved by the commandant of a division or brigade, for the trial of commissioned officers, shall be made to the commander-in-chief. Appeals.

§ 74. Section one hundred and ninety-nine of said act is hereby amended so as to read as follows:

§ 199. Such court shall direct a non-commissioned officer, or other fit person or persons, to be by him designated, to summon all delinquents and parties accused to appear before the court, at a time and place to be by him appointed, which service shall be personal, or by leaving such summons for such delinquents and parties accused, as provided in section one hundred and forty-two of this act. Summons to delinquents.

§ 75. Section two hundred and two of said act is hereby amended so as to read as follows:

§ 202. The proceedings and sentence of any such court shall, without delay, be delivered to * to the officer ordering the court, who shall approve or disapprove of the same within fifteen days thereafter, and shall publish in orders, his approval or disapproval thereof; and from the sentence of any such court, imposing a fine or penalty for any offense, delinquency or deficiency, an appeal, if made within twenty days after the fine or penalty has been announced in published orders, shall be allowed to the officer ordering the court, or to his successor in command, and he may remit or mitigate such penalty or fine. Approval of proceedings and sentence. Appeal.

§ 76. Section two hundred and seven of said act is hereby amended so as to read as follows:

§ 207. Every commissioned officer, and every non-commissioned officer, musician and private, shall, on due conviction, be subject, for the following offenses, to the fines and penalties thereto annexed: Fines and penalties.

1. Every commissioned officer, for non-attendance at any drill, parade or encampment, and every such officer, non-commissioned officer, musician or private, neglecting or refusing to obey the orders of his superior officer on any day of drill, parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, or making a false entry upon a muster roll, or knowingly muster as a soldier a substitute or a person who is not a regularly enlisted soldier in and a member of his command, or making a false entry upon a score blank or return of rifle practice, or knowingly permitting a substitute to shoot in the name of a member of his command, or refusing or neglecting to grant the discharge provided for in section two hundred and fifty-four of this act, a fine of not more than one hundred, nor less than five dollars.

2. Every non-commissioned officer, musician and private, for non-appearance, when duly warned or summoned at a troop, battery or company parade, a fine of two dollars for each day, and in case of a troop parading mounted, a fine of six dollars for each day; at a regimental or battalion parade, drill or encampment, not less than one nor more than six dollars for each day; and at a place of rendezvous,

* So in the original.

when called into actual service, in case of war, insurrection or invasion, or imminent danger thereof, a sum not exceeding twelve months' pay, nor less than one month's pay; and for disobedience of orders, or disrespectful or insubordinate conduct, a fine not exceeding fifty dollars, and also, in the discretion of the court, the offender shall be liable to expulsion from the command to which he belongs.

3. Every commissioned officer or non-commissioned officer, for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required to summon a delinquent before a court-martial, or duly to return such summons, a fine of not more than one hundred nor less than five dollars.

§ 77. Section two hundred and eight of said act is hereby amended so as to read as follows:

Fine for
refusing
to act
officer.

Non-com-
missioned
officers.

§ 208. Every commissioned officer, for neglecting or refusing to act as such, when duly commissioned, may be sentenced to pay a fine of not less than one hundred nor more than two hundred and fifty dollars; every non-commissioned officer, for neglecting or refusing to act as such, when duly appointed or elected and warranted, may be sentenced to pay a fine of not less than ten nor more than twenty-five dollars; and every non-commissioned officer, for neglect of duty or disorderly or unsoldierly-like conduct, in addition to other penalties, may be reduced to the ranks by the commandant of the regiment or battalion, and in the case of a separate troop, battery or company, by the commandant of the brigade or division to which such separate troop, battery or company is attached.

§ 78. Section two hundred and fourteen of said act is hereby amended so as to read as follows:

Fines and
penalties,
how col-
lected.

§ 214. For the purpose of collecting any fines or penalties imposed by any court-martial authorized by this act, the president of the court shall, within fifteen days after the expiration of the time in which an appeal is allowed as provided in section two hundred and two of this act, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant under his official signature, directed to any marshal of the court, or to the sheriff or constable of any city or county (as the case may be), thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquents, and, in default of sufficient goods and chattels to satisfy the same, then to take the body of such delinquent and convey him to the common jail of such city or county, whose jailer shall keep the said delinquent closely confined, without bail or mainprize, for two days for any fine or penalty not exceeding two dollars, and two additional days for every dollar above that sum, unless the fine or penalty, together with the cost and the jailer's fees, be sooner paid; but no such imprisonment shall extend beyond the period of twenty days; provided, however, that the prisoner may be liberated at any time by order of the commandant of the division, upon the application of the commandant of the brigade to which he belongs. No property shall be exempt from the payment of such fines or penalties.

§ 79. Section two hundred and twenty-nine of said act is hereby amended so as to read as follows:

Appeals.

§ 229. Whenever the sentence of any court-martial shall be appealed from, which appeal shall always be made within twenty days

after the decision appealed from is made known in published orders, such court, or the president thereof, shall forthwith furnish the officer, to whom such appeal is taken, with a statement of the case, and of the evidence touching the same.

§ 80. Section two hundred and thirty-five of said act is hereby amended so as to read as follows :

§ 235. The chiefs of each division and brigade staff, and the adjutants of regiments or battalions, and the commandants of separate troops, batteries or companies, shall, on or before the fifteenth day of January in each year, return to the commandants of such division and brigade, respectively, the names of all commissioned officers absent from any parade, encampment, drill or meeting for instruction during the preceding year. Within ten days after the receipt of such returns, the respective commandants of divisions or brigades, as the case may be, shall order courts-martial for the trial of such officers for such delinquencies, which courts-martial shall consist of three officers, and be ordered, if for the trial of officers above the rank of captain, by the commandant of the division, and for the trial of all other officers, by the commandant of the brigade; provided, however, that in all cases no member of the court shall be of less grade than the delinquent, and that for the trial of officers of any regiment, or separate troop, battery or company attached to a division, the court shall be ordered by the commandant of the division, and for the trial of officers of any separate troop, battery or company attached to a brigade, the court shall be ordered by the commandant of the brigade. It shall not be necessary to cause the arrest of such absentee, nor to serve any charges, unless, in the discretion of the officer ordering the court, it may be deemed proper; but the delinquent may be fined, pursuant to the provisions of this act, provided he shall have appeared before the court without objection, or notice of the return and of the time appointed for holding the court-martial shall have been delivered to him, or left at his dwelling-house, store, counting-house, or usual place of business, at least ten days before the assembling of said court. The proceedings and sentences of such court-martial, with the order of the officer ordering the court, approving or disapproving the same, shall be transmitted to the adjutant-general without delay.

Returns of
absent
officers.

Courts-
martial for
delin-
quent
officers.

§ 81. Section two hundred and thirty-eight of said act is hereby amended so as to read as follows :

§ 238. In case of insurrection or invasion, or imminent danger thereof, the commander-in-chief may, by proclamation or otherwise, order and direct the commandants of such companies as he shall designate, to accept sufficient volunteers, should the same offer, to raise companies and maintain the same at the maximum number provided by this act; and if sufficient volunteers should not offer, then a sufficient number shall be drafted from the reserve militia, in the manner hereinafter provided, who shall thereupon be enrolled in said companies, and shall be liable to duty in case the military forces of the state should be called into service.

Volun-
teers in
case of in-
surrec-
tion, etc.

§ 82. Section two hundred and thirty-nine of said act is hereby amended so as to read as follows :

§ 239. The commander-in-chief shall have power, in case of insurrection, invasion or breaches of the peace, or imminent danger thereof, to order into the service of the state any of the companies, batteries, troops, battalions, regiments, brigades or divisions of the national guard, or of other militia of the state that he may deem proper, and

Com-
mander-in-
chief
may order
national
guards
into ser-
vice of
state.

under the command of such officers as he shall designate; and in such case the forces so called into service shall receive the same pay as is provided in either section one hundred and sixty-four or one hundred and sixty-five of this act, as the commander-in-chief shall determine.

§ 83. Section two hundred and forty of said act is hereby amended so as to read as follows:

When
command-
ant of di-
vision may
order out
troops.

§ 240. In case of insurrection or invasion, or imminent danger thereof, within the limits of any division, it shall be the duty of the commandant of such division to order out, for the defense of the state, the national guard or any part thereof, under his command, and immediately report what he has done, and the circumstances attending the same, to the commander-in-chief, through the adjutant-general.

§ 84. Section two hundred and forty-two of said act is hereby amended so as to read as follows:

When
sheriffs
and
mayors
may call
for aid.

§ 242. In case of any breach of the peace, tumult, riot, or resistance to process of this state, or imminent danger thereof, it shall be lawful for the sheriff of any county, or the mayor of any city, to call for aid upon the commandant of any division, brigade, regiment, battalion, troop, battery or company; and it shall be the duty of the commanding officer of the division, brigade, regiment, battalion, troop, battery or company, upon whom such call is made, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command, and he shall immediately report what he has done and all the circumstances attending the same to the commander-in-chief through his intermediate commanders, and in such case it shall not be necessary for commandants of troops, batteries or companies to issue written orders or notices for calling out their men, but verbal orders and notices shall be sufficient.

§ 85. Section two hundred and forty-seven of said act is hereby amended so as to read as follows:

Compensation in
case of
riot, etc.

§ 247. All officers, non-commissioned officers, musicians and privates, in cases of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid of the civil authorities, shall receive the compensation provided by section one hundred and sixty-five of this act and shall be subsisted, quartered and transported; and every person who shall be wounded or disabled in such service shall be taken care of and provided for at the expense of the county where such service shall be rendered, and all the expense attending such use of the troops shall be a county charge, to be levied and collected as other county charges are levied and collected.

§ 86. Section two hundred and fifty-two of said act is hereby amended so as to read as follows:

Rules and
regulations con-
firmed.

§ 252. The rules and regulations prescribed in general orders number seventeen, series of eighteen hundred and seventy-six, dated general head-quarters, state of New York, November seventeenth, eighteen hundred and seventy-six, except in so far as they conflict with this act, are hereby ratified and confirmed; and the commander-in-chief is hereby authorized to make such changes and alteration in said rules and regulations, from time to time, as he may deem expedient; but such rules and regulations shall conform, as nearly as practicable, to those governing the United States army, and not conflict with the provisions of this act.

Alterations.

§ 87. Section two hundred and fifty-three of said act is hereby amended so as to read as follows:

§ 253. Every non-commissioned officer, musician and private of

the national guard originally enlisting shall be held to duty therein for the term of five years, and in case of re-enlisting, for the term for which he re-enlists, unless disability after enlistment shall incapacitate him to perform such duty, and he shall be regularly discharged in consequence thereof by the commandant of his regiment, battalion, separate troop, battery or company; provided, however, that every such non-commissioned officer, musician and private shall continue held to duty, and shall retain his rank and be eligible to promotion, after the expiration of his term of enlistment or re-enlistment, so long as he or the commandant of his troop, battery or company omits to apply for his discharge, as provided in the next succeeding section; and on such application being made, his discharge shall not be granted until the expiration of three months from the date of the application except when the application is made by the commandant of his troop, battery or company, in which case the discharge may be granted immediately; and also further provided that every non-commissioned officer, musician and private who enlisted prior to the first day of May, eighteen hundred and seventy-five, shall serve the whole length of the term for which he enlisted.

Term of
service in
national
guard.

Every commissioned officer, and every non-commissioned officer, musician and private of the national guard shall be exempt from jury duty during the time he shall perform military service; and every such person who shall have so served five or more years, and been honorably discharged, shall forever after be exempt from jury duty. Except as herein otherwise provided, no non-commissioned officer, musician or private of the national guard shall be discharged from service, except for physical disability or expiration of term of enlistment. Discharges for physical disability shall be granted only upon the certificate of the regimental or battalion surgeon, and in the case of a separate troop, battery or company, of the surgeon of the division or brigade to which such separate troop, battery or company is attached; always provided, however, that the commandant of each division may, for sufficient reasons, and in his discretion, grant discharges to enlisted men in his division, at any time, upon the recommendation of the commandant of the troop, battery or company, with the approval of the commandant of the regiment or battalion and of the brigade to which they belong, and in the case of a separate troop, battery or company attached to a brigade upon the recommendation of the commandant of such separate troop, battery or company with the approval of the commandant of the brigade, and in the case of a regiment, separate troop, battery or company attached to a division, upon the recommendation of the commandant of such regiment, separate troop, battery or company; but no enlisted man shall be discharged from service unless he produces the certificate of his immediate commanding officer that he has turned over or satisfactorily accounted for all property issued to him. Commanding officers of divisions, brigades, regiments and battalions, and of separate troops, batteries or companies, shall make returns to the adjutant-general, on the last day of March, June, September and December, in each year, of all changes in their commands during the previous three months, giving the names and grades of the persons discharged, and the cause thereof, and also of those gained by enlistment.

Exemp-
tion from
jury duty.

Dis-
charges.

Returns of
changes in
divisions,
brigades,
etc.

§ 88. Section two hundred and sixty of said act is hereby amended so as to read as follows:

§ 260. Actions to recover the possession of military property, and

Actions to
recover
military
property,
fines, etc.

the amount of any fine or penalty under the last two preceding sections, may be brought by and in the name, with the official rank of any officer entitled to take possession of such property, in any court of competent jurisdiction, and such fine or penalty shall be paid to the treasurer of the county where the offender may reside, for the benefit of the military fund of the regiment, battalion or separate troop or battery located therein, and in which the case occurred. The possession of any military property, or the amount of a fine or penalty, may be recovered in the same action. Such proceedings in the civil courts shall not preclude the punishment of offenders, if they belong to the national guard, by courts-martial.

§ 89. Section two hundred and sixty-two of said act is hereby amended so as to read as follows:

Staff or
organiza-
tions.

§ 262. The members of any division or brigade staff, and the field, staff and company officers of any regiment or battalion may organize themselves into an association, and such association and each troop, battery and company may, by a vote of two-thirds of all its members, form by-laws, rules and regulations, not inconsistent with this act, for the management of their internal affairs; and such by-laws, rules and regulations shall be binding upon all commissioned officers, non-commissioned officers, musicians and privates who are now or may hereafter be commissioned or enlisted therein; but they may be altered, from time to time, as may be found necessary, by the same vote.

§ 90. Said act is hereby further amended by inserting immediately after section two hundred and sixty-seven of the same as follows:

ARTICLE XVI.

OF RIFLE PRACTICE.

Ranks of
general
and other
inspectors
of rifle
practice.

§ 268. The general inspector of rifle practice shall have the rank of brigadier-general, and in the corps of inspectors of rifle practice there shall be an assistant general inspector of rifle practice with the rank of colonel; to each division an inspector of rifle practice with the rank of lieutenant-colonel; to each brigade an inspector of rifle practice with the rank of major; and to each regiment or battalion an inspector of rifle practice with the rank of captain.

General
inspector.

§ 269. The general inspector of rifle practice shall have charge of the rifle practice of the national guard throughout the state, and shall, under the direction of the commander-in-chief, prescribe the manner in which it shall be performed. He shall report to general head-quarters the improvement in marksmanship, together with other matters appertaining to his duties.

Division,
brigade,
etc., in-
spectors.

§ 270. The division, brigade, regimental and battalion inspectors of rifle practice shall have charge of all matters appertaining to rifle practice in the several organizations of their respective divisions, brigades, regiments or battalions under the direction of the commandants thereof respectively, and they shall see that all armories, ranges and grounds used for rifle practice, and the property issued by the state for such practice within the limits of their respective divisions, brigades, regiments or battalions, are properly used and cared for. They shall perform such duties as may, from time to time, be prescribed by the general inspector of rifle practice, and they shall attend all competitions for any prizes that may be offered by the state to the command to which they are attached, and see that the same are conducted with fair-

ness and according to the prescribed regulations. Issues of rifles and such other articles as may be required by the several inspectors of rifle practice to enable them to perform their duties, may be made by the chief of ordnance, on the approval of the general inspector of rifle practice, and in the same manner as other ordnance stores are issued by him.

Rifles, etc.,
issue of.

§ 271. It shall be the duty of the general inspector of rifle practice, or his assistant, to attend the annual competition for the state prize, and see that the same is conducted with fairness and according to the prescribed regulations.

Annual
competi-
tion for
state
prize.

§ 272. The general inspector of rifle practice and the division and brigade commanders, and inspectors of rifle practice of the commands in the district in which the rifle range of any incorporated rifle association, except the national rifle association, is situated, shall be ex officio directors thereof. Such inspectors of rifle practice are authorized to inspect such rifle ranges at any time, and, in the case of associations or organizations which have received targets or other articles and aid from the state, to require a report from their proper officers of their financial condition, and of the condition of the state property in their possession, and also to examine their books and vouchers. If, at the conclusion of any such inspection, it shall be found that any of the property issued by the state to any rifle association or range is missing, injured, unfit for use or deficient, it shall be reported through the general inspector of rifle practice to general headquarters. In case any range or armory rifle gallery shall, in the opinion of the general inspector of rifle practice or the division inspector of rifle practice of the district in which the same is located, be dangerous, they are respectively authorized to prevent its being further used until rendered safe.

Rifle asso-
ciations.

Inspection
of rifle
ranges.

Dangerous
ranges.

§ 273. The general inspector of rifle practice is authorized to report to the adjutant-general any inspector of rifle practice for examination by the examining board, provided for by section one hundred and one of this act.

Examina-
tion of in-
spectors.

§ 274. On the approval of the commander-in-chief, the chief of ordnance may issue to rifle ranges, targets and other appurtenances and military equipments for the practice of the national guard thereon, in the same manner as other ordnance stores are issued by him, and under the direction of the commander-in-chief, and with his approval, expenditures may be made from the appropriations for military purposes, for services and expenses in maintaining rifle ranges and promoting rifle practice in the national guard.

Targets,
etc.

Expendi-
tures on
ranges.

§ 275. Before any targets or other appurtenances or military equipments are issued to any rifle association or any aid given to it by the state, it shall file with the adjutant-general and the general-inspector of rifle practice a certified copy of its articles of association and by-laws and other regulations which must have the approval of the general-inspector of rifle practice to whom must be furnished annually a list of its officers. Such bonds as may be required by the commander-in-chief shall be given to secure the care and custody of any targets or other property issued to any rifle range or association by the state.

Associa-
tion to file
articles of
associa-
tion and
by-laws
and give
bond.

§ 276. The commandants of the first and second divisions respectively are authorized to direct and require the use of the range of the national rifle association by any of the organizations in their commands for target practice, field drill or any military purpose, whenever and for such time as they shall deem proper and necessary. And the

First and
second
divisions.

When division general may order use of range.

Officers of rifle ranges are constables.

Trespasses, etc.

State division prize.

State prize.

Sale or mortgage of ranges.

Treasurers to file statement.

President to file statement.

Repeal of ch. 699, Laws 1872, and ch. 263, Laws 1874.

division general of any district in which any other rifle range which has received aid from the state is located, shall have like authority to direct and require the use thereof by any of the organizations in his command, provided that not less than one-quarter of the targets of such rifle range, when held by an association, and of the national rifle association, shall at all times be reserved for the members thereof.

§ 277. For the purpose of preserving the property of the state issued to the several rifle associations and ranges which receive aid therefrom, and of preventing accidents, and for maintaining order upon such rifle ranges, the officers and employes of the national rifle association and other rifle associations having a rifle range are hereby vested with the powers of constables when in the discharge of their duties, and wearing such badge of office as shall be prescribed by said associations respectively; and all persons trespassing upon such rifle ranges or injuring any of the targets or other property situate thereon or wilfully violating thereon any of the regulations established to maintain order, preserve property and prevent accidents, shall be guilty of a misdemeanor.

§ 278. The commander-in-chief is authorized to annually offer on behalf of the state a prize not exceeding one hundred dollars in value, to be known as the "state division prize," for competition among the several regiments and battalions in each division; and a similar prize not exceeding five hundred dollars in value, to be known as the "state prize," for competition among all the regiments and battalions throughout the state; such prizes to be competed for under regulations which shall be prescribed by the general inspector of rifle practice.

§ 279. The range of the national rifle association at Creedmoor, and any grounds acquired by that or any other rifle association for rifle practice, and toward the purchase of which the state has contributed, shall not be sold, mortgaged, or otherwise alienated, without the written consent of at least two-thirds of the board of directors of such association, including a majority of the ex-officio members of said board, and without also the written consent of the adjutant-general of the state.

§ 280. The treasurer of the national rifle association and the treasurer of all other rifle associations which receive aid from the state, shall file with the comptroller and the adjutant-general within twenty days after the first day of January and the first day of July in each year, a detailed statement of all receipts and expenditures of such rifle associations during the previous six months, verified by such treasurers under oath; and it shall be the duty of the presidents of such rifle associations to annually, within twenty days after the first day of November, file with the general inspector of rifle practice a statement in detail of all the property of said associations and the condition of the same.

§ 281. Chapter six hundred and ninety-nine of the laws of eighteen hundred and seventy-two, entitled "An act to establish a rifle range, and to promote skill in marksmanship among the national guard," and chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-four, entitled "An act for the promotion of rifle practice in the national guard," are hereby repealed, with the exception of such parts of said chapters as relate specially to the national rifle association, and which are not in conflict with this act.

§ 91. The number of section two hundred and sixty-eight of said act is hereby changed to two hundred and eighty-two.

§ 92. The number of section two hundred and sixty-nine of said act is hereby changed to two hundred and eighty-three.

§ 93. This act shall take effect immediately.

CHAP. 276.

AN ACT to amend chapter five hundred and twenty-three, laws of eighteen hundred and seventy, entitled "An act to incorporate the village of New Berlin, in Chenango county, and to repeal the present charter.

PASSED May 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of title five, chapter five hundred and twenty-three, laws of eighteen hundred and seventy, entitled "An act to incorporate the village of New Berlin, in Chenango county, and to repeal the present charter," is hereby amended so as to read as follows:

§ 14. The trustees shall appoint a time and place for the meeting of the commissioners, and cause at least five days' notice thereof to be served on such commissioners and all owners and tenants of lands to be affected thereby, or if any such owners or tenants do not reside in the village of New Berlin, then such notice may be served on such non-residents at least ten days before such hearing by depositing a copy of said notice, the postage prepaid thereon, in the post-office in said village, directed to each of said non-residents at his or her last known place of residence. The commissioners shall, before entering upon the performance of their duties, take and subscribe an oath faithfully to execute their duty according to the best of their ability, such oath to be filed with the village clerk. At the time and place appointed, the commissioners shall meet and examine the locality of the street to be laid out, widened, extended or discontinued; they shall hear the parties and such witnesses as may be offered before them, and proofs, if any are offered, of the value of the property, and of any other facts affecting the question, but not the opinion of witnesses as to the amount to be assessed or the damages to be awarded. They shall take into consideration any benefit to be derived from the proposed laying out, opening, extending, widening or discontinuing such street or highway; they shall assess all damages which may be required to be assessed by reason of the laying out, opening, widening, extending or discontinuing such street, and shall be authorized to administer oaths to witnesses who may be produced before them under this section, and when they shall have met and acted, the assessment agreed to by a majority of them shall be valid, and when so made shall be delivered to one of the trustees of said village, who, within ten days after receiving it, shall file it with the village clerk.

Notice of time of meeting, to be served.

Commissioners to file oath.

To examine locality and hear proofs.

To consider benefits, assess damages, etc.

Assessment agreed upon to be filed.

§ 2. This act shall take effect immediately.

CHAP. 277.

AN ACT to amend chapter two hundred and forty-five of the laws of eighteen hundred and seventy-five, entitled "An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Portchester," and to amend chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-seven.

PASSED May 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

When
other cer-
tificates
may be
issued.

Re-sales.

SECTION 1. Section forty-four of chapter two hundred and forty-five of the laws of eighteen hundred and seventy-five, is hereby amended by adding at the end thereof as follows: "And in case no money shall have been received for redemption of lots or parcels so bid off to said village at or before the maturity of said assessment certificates, then other certificates shall be issued from time to time, in like manner and form, and with the like effect, by way of renewal until the same can be paid by a re-sale of such lots or parcels, or otherwise; and which re-sales the said trustees are hereby authorized to make at any time after the time herein provided for the redemption of the said lots or parcels shall have expired."

§ 2. Section forty-six of chapter two hundred and twenty-seven of the laws of eighteen hundred and seventy-seven is hereby amended so as to read as follows:

Irregulari-
ties in as-
sessments,
etc., for im-
prove-
ments,
vacating
of, etc.

§ 46. In all cases where any proceeding or any assessment for opening, grading, regulating or paving any streets, avenues or public places, has heretofore been or shall have been, or hereafter may be commenced, had, taken, laid, assessed or imposed under the provisions of this title and either before or after the confirmation of the report of the commissioners appointed or to be appointed to estimate and assess the expenses of such improvement upon the property benefited thereby under the provisions of this title, the board of trustees, at any time on discovering any irregularity or illegality in such report, or in the proceedings by and before such commissioners, or in the establishment of the assessment district or in any of the proceedings of said trustees in respect to such improvement, or in case they shall consider such assessment inequitable or unjust, or whenever any such assessment, or any sale thereunder has heretofore been or shall be set aside or declared void or illegal by any court of competent jurisdiction, for any irregularity or defect in such proceedings by or before said trustees or by or before such commissioners, or in the proceedings for any sale under such proceedings and assessment; may pass resolutions rescinding the confirmation of such report (if the same has been or shall have been confirmed) and vacating and setting aside all or any of the proceedings by or before said commissioners, or by or before said trustees, and providing for and correcting any errors or irregularities in any of the proceedings, and when requisite, providing for the establishment of a new assessment district, and for the completion of the improvement, and for a re-assessment and collection of the expenses thereof upon the property benefited thereby in the manner provided in this act.

§ 3. This act shall take effect immediately.

CHAP. 278.

AN ACT authorizing the village of Peekskill to borrow money for the repairs of streets, highways and bridges in the village of Peekskill, in anticipation of the moneys to be raised for such purpose in the year eighteen hundred and seventy-eight.

PASSED May 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The president and trustees of the village of Peekskill are hereby authorized, on the faith and credit of said village, to borrow a sum not exceeding three thousand five hundred dollars and to execute either bonds or promissory notes therefor under the corporate seal of said village, and the signature of the president and clerk thereof ; the bonds or promissory notes to be in such form and the principal and interest made payable at such times and places as may be agreed upon with the lender or lenders, provided however that such time of payment shall not be later than the first day of September in the year eighteen hundred and seventy-eight.

President and trustees may borrow money and execute bonds or notes.

Proviso.

§ 2. The said sum hereby authorized to be borrowed shall be specially applied and appropriated to the expenses of working, paving, repaving, grading, leveling, improving and cleaning the public streets of said village, in the same manner as the other moneys for street purposes in said village are used and applied.

Money, how applied.

§ 3. The said sum may be borrowed by the president and trustees of said village from any person or persons or banking institution, on the best terms of interest that can be obtained not exceeding, however, the rate of seven per cent per annum ; which sum so borrowed, with the interest thereon, to the time of the payment thereof, shall be paid out of the moneys raised or authorized to be raised by said president and trustees annually for the repairs of streets, highways and bridges in said village, and which shall thus be raised in the year eighteen hundred and seventy-eight.

How borrowed and paid.

§ 4. This act shall take effect immediately.

CHAP. 279.

AN ACT to amend chapter three hundred and three of the laws of eighteen hundred and seventy-seven, entitled " An act further to amend chapter five hundred and two* of the laws of eighteen hundred and sixty-nine, entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the village of Flushing, " and the several acts amendatory thereof."

PASSED May 20, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter three hundred and three of the laws of eighteen hundred and seventy-seven, entitled " An act further

* So in the original.

to amend chapter five hundred and ten of the laws of eighteen hundred and sixty-nine, entitled an act to amend an act entitled an act to amend an act entitled an act to incorporate the village of Flushing," and the several acts amendatory thereof, is hereby amended so as to read as follows:

Lien of taxes and assessments. § 1. All taxes and assessments shall be and remain a lien upon the lands and premises upon which the same shall be imposed or assessed for the period of two years from the issuing of the warrant for the collection thereof, unless sooner paid or satisfied. All taxes or assessments which shall remain unpaid for the space of three months after the issuing of the warrant for the collection thereof, shall bear interest at the rate of twelve per cent per annum from the time of issuing such warrant. When any such tax or assessment shall be returned by the collector on the warrant issued to him, as unsatisfied in whole or in part, it shall be lawful for the board of trustees, and it shall be their duty at any time within such period of two years, to cause such lands and premises, or such part thereof as they shall deem sufficient for the purpose, to be sold by public auction within the village, for the payment of such taxes or assessments, or such part thereof as may be remaining unpaid, and the interest thereon, together with the expenses of advertisement and sale. Public notice of such sale shall be given by the board of trustees by advertising the same at least once a week for six weeks in at least two of the newspapers published in said village. The expense of advertising on each parcel separately assessed shall not exceed the sum of twenty-five cents in each newspaper, and in case the publisher of either newspaper should refuse to publish the advertisement for the price fixed by this act, then the advertisement published in one of said newspapers shall be deemed sufficient.

Interest on unpaid taxes, etc.

Sale of lands.

Notice of sale.

Expense of advertising.

Term of sale.

Discontinuance of proceedings.

Redemption.

Certificate of sale and contents thereof.

Costs.

The sale shall be for the shortest term of years for which any person will take the premises and pay the amount of the tax or assessment with the interest and expenses. The proceedings shall be discontinued at any time before actual sale, upon the payment to the treasurer of the village of the amount of such tax or assessment, with the interest and expenses. The right of redemption in all cases of sale shall exist to the owner or owners of the premises sold, and the heirs, assigns or creditors of such owner or owners, in the same manner and to the same extent as is allowed by law in case of sale of real estate on execution; the payment of such redemption to be made to the treasurer of the village for the use of the purchaser or purchasers of the premises, or the legal representatives or assigns of such purchaser or purchasers. Upon a sale being made the board of trustees shall give to the purchaser or purchasers a certificate in writing under the corporate seal of the village subscribed by the president and countersigned by the clerk of the board, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which the same were sold, the amount of the tax or assessment, with the interest and expenses for which the sale was made, the name of the owner or owners of the premises, according to the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises in case the same shall not be redeemed. In case the proceedings be discontinued before sale, the board of trustees may charge for such expense the sum of one dollar, in addition to the expense of advertising as provided by this act; and in case of sale they may charge the further sum of one dollar for the expenses thereof and the certificate of sale. In case a lease be given as herein-

after provided, they may charge the further sum of one dollar for such lease and the acknowledgment thereof, to be paid on delivery thereof by the person taking the same. When there shall be no redemption, as hereinbefore provided, the board of trustees shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale. The lease shall be presumptive evidence that such tax or assessment was legally imposed, and that the proceedings and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution, and shall and may lawfully hold and enjoy the premises during the time specified in the lease, against the owner or owners thereof, and all persons claiming under such owner or owners; provided, however, that in case such lease be for a term exceeding three years, it shall, unless recorded in the office of clerk of the county of Queens, within thirty days after the delivery thereof, cease to be valid, operate as a lien upon the premises as against any purchaser or mortgagee of the premises in good faith, for a valuable consideration and without notice who shall purchase or take a mortgage upon the same before the actual record of such lease. In recording such lease the county clerk shall cause the same to be indexed to the name of the owner or owners of the premises according to the assessment roll. The person or persons lawfully holding such lease may, at the expiration of the term or within thirty days thereafter, remove all buildings put on the premises during the term, in the exercise of the right of occupancy under such lease.

Leases, execution and delivery of.

Evidence.

Possession, how obtained.

Proviso.

Record of lease.

Removal of buildings.

§ 2. This act shall take effect immediately.

CHAP. 280.

AN ACT to amend chapter seven hundred and eighty-three of the laws of eighteen hundred and seventy-one, entitled "An act relating to building bridges in the village of Niagara Falls" and the act amendatory thereof, being chapter four hundred and thirty of the laws of eighteen hundred and seventy-two.

PASSED May 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seven hundred and eighty-three of the laws of eighteen hundred and seventy-one, entitled "An act relating to building bridges in the village of Niagara Falls" is hereby amended so as to read as follows:

§ 1. The trustees of the village of Niagara Falls shall have power if authorized by the tax-paying electors of the said village, in the manner now prescribed by section twenty-eight of an act to provide for the incorporation of villages, passed December seven, eighteen hundred and forty-seven, for holding public meetings and voting for imposing taxes, to release the proprietor or proprietors of the hydraulic canal which now passes through the said village, intersecting Buffalo,

Proprietors of hydraulic canals may be released from liability to erect bridges.

Condition. Ontario and intervening streets, according to the plan of said village on file in the clerk's office of Niagara county, from any possible obligation or liability to erect highway bridges across the said canal, at its intersection with said streets, other than Ontario, Erie and Buffalo streets on the condition that the said proprietor or proprietors shall cause to be erected and maintained forever across the said canal at the intersections of the three last mentioned streets, substantial and durable bridges, either of stone or iron as may be agreed upon. The bridges on Erie and Buffalo streets to be not less than thirty feet in width; and the bridge on Ontario street to be not less than forty feet wide, as may be agreed upon, to be approved as such when completed by the state engineer and surveyor, who is hereby directed to perform that duty on the payment of the actual expense of such performance, by the said proprietor or proprietors.

§ 2. This act shall take effect immediately.

CHAP. 281.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages."

PASSED May 20, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-second and twenty-fifth subdivisions of section three, title three, of chapter two hundred and ninety-one, of the laws of eighteen hundred and seventy, entitled "An act for the incorporation of villages," are hereby amended so as to read as follows:

To regulate hawking, peddling, auctions, hacks and public carriages.

22. To restrain, regulate or prevent hawking and peddling in the streets; to regulate, restrain or prohibit sales by auction, and grant licenses to peddlers and auctioneers, and fix the amount to be paid therefor; to regulate the use and running of all hacks, public carriages or vehicles for the conveyance of passengers, baggage or movables of any kind, for hire through the public streets; to designate their places of waiting, and grant a license to the owners or proprietors thereof, and fix the amount to be paid for the same.

Powers as to streets, alleys, etc.

25. To keep the roads, avenues, streets, lanes, public buildings and public places of the village in good order, repair and condition, to construct culverts and drains, to make and repair all bridges which may be necessary within the bounds of the village; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, plank, or flag roads, crosswalks or sidewalks, lay out and open new roads and streets, to widen, alter and change the grade, or otherwise improve roads, avenues, streets, lanes and sidewalks; to drain stagnant waters, and to raise or fill up low grounds, if nuisance, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit, and to regulate the water-courses, ponds and watering places in the village; to cause all necessary sewers to be built, and assess the expense thereof upon the property benefited in proportion to the amount of such benefit. The amount of the benefit in any case, where the same is made the basis of assessment under this section, shall be determined by the president and trustees, provided, however, that no property beyond the limit of one hundred

Stagnant water.

Water-course.
Sewers.

Benefits, how determined.

and seventy-five feet from the line terminus of any such sewer shall be liable to assessment for the expenses of building the same; and provided, also, that no sewer shall be constructed under the provisions hereof, except upon a written petition signed by a majority of the persons whose property shall be liable to assessment for the said expense. All assessments for the drainage of stagnant waters, the raising and filling up of low grounds or the building of sewers under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax.

Written
petition
for sewers.

Assess-
ments.

§ 2. This act shall take effect immediately.

CHAP. 282.

AN ACT to amend chapter one hundred and eighty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies."

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of chapter one hundred and eighty-nine of the laws of eighteen hundred and seventy-four, entitled "An act to provide security against extraordinary conflagrations, and for the creation of safety funds by fire insurance companies," is hereby amended so as to read as follows:

§ 3. After the date mentioned in any such resolution so passed and filed it shall not be lawful for such company to make, declare or pay, in any form, any dividend upon its capital stock exceeding seven per cent per annum thereupon and upon the surplus funds to be formed hereunder, until after its guaranty surplus fund and its special reserve fund shall have together accumulated to an amount equal to its said capital stock; and the entire surplus profits of such company above such annual dividend of seven per cent shall be equally divided between and be set apart to constitute the said guaranty surplus fund and the said special reserve fund, which said funds shall be held and used as hereinafter provided, and not otherwise, and any company doing business under this act, which shall declare or pay any dividend contrary to the provisions herein contained, shall be liable to be proceeded against by the attorney-general for its dissolution. Whenever such company shall notify the superintendent of the insurance department that it has fulfilled the requirements already expressed in this section and that its guaranty surplus fund and its special reserve fund, taken together, equal its capital stock, it shall be his duty to make an examination of such company and to make a certificate of the result thereof; and thereafter such company may continue, out of any subsequent profits of its business, to add to such funds, provided that when any addition is made to the special reserve fund, an equal sum shall be carried to the guaranty surplus fund.

When
companies
not to pay
divi-
dends be-
yond
seven per
cent.

Surplus
profits to
be set
apart to
constitute
funds.

Examina-
tion of
company
by super-
intendent.

Addition
to funds
may be
made
thereafter.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. Said special reserve fund, until it shall amount to a sum equal to one-half of the capital stock of such company, shall be invested according to existing laws relating to investments of capital by fire in-

Special
reserve
fund, how
invested

and de-
posited.

Fund, not
assets.

Profits of
company,
how es-
timated.

How long
restriction
on divi-
dends
shall con-
tinue.

Addition
to funds.

When sur-
plus re-
serve fund
shall be
held for
policy
holders.

insurance companies, and any additional sum added to such fund shall be invested in any securities in which such company is by law authorized to invest its capital or its surplus accumulations, and shall be deposited from time to time as the same shall accumulate and be invested, with the superintendent of the insurance department, who shall permit the company depositing the same to change such deposits by substituting for those withdrawn others of equal amount and value, and to collect and receive the interests or dividends upon such securities as the same may accrue; and such special reserve fund shall be deemed a fund contributed by the stockholders to protect such company and its policy holders others than claimants for losses already existing, or then incurred, in case of such extraordinary conflagration or conflagrations as hereinafter mentioned; and said fund shall not be regarded as any part or portion of the assets in possession of said company so as to be or render the same liable for any claim or claims for loss by fire or otherwise, except as herein provided.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. In estimating the profit of any such company for the purpose of making a division thereof between said guaranty surplus fund and such special reserve fund, until such funds shall together amount to a sum equal to the capital stock of such company, there shall be deducted from the gross assets of the company, including for this purpose the amount of the special reserve fund, the sum of the following items: First, the amounts of all outstanding claims; second, an amount sufficient to meet the liability of such company for the unearned premiums upon its unexpired policies, which amount shall be at least equal to one-half of the premiums received on policies having less than one year to run from date of policy, and a pro rata proportion of the premiums received on the policies having more than one year to run from date of policy, and shall be known as the re-insurance liability; third, the amount of its guaranty surplus fund and of its special reserve fund; fourth, the amount of the capital of the company, and fifth, interest at the rate of seven per cent per annum upon the amount of the capital and of the said funds for whatever time shall have elapsed since the last preceding cash dividend; and the balance shall constitute the net surplus of the company subject to an equal division between the said funds as herein provided. The restriction of dividends upon the capital stock of such company to an amount not exceeding seven per cent per annum upon the amount of such capital stock and of the surplus funds formed hereunder, shall continue until the said funds shall together equal the amount of such capital, but any addition to said funds, beyond an amount equal to such capital stock, may be made out of any profits of the subsequent business of such company, whether such addition or additions shall constitute the whole of such subsequent profits or only a part thereof.

§ 4. Section seven of said act is hereby amended so as to read as follows:

§ 7. In the event of any extensive conflagration or conflagrations, whereby the claims upon such company shall exceed the amount of its capital stock, and of the guaranty surplus fund provided for by this act, the said company shall notify the said superintendent of the fact, who shall then make, or cause to be made, an examination of said company, and shall issue his certificate of the result, showing the amounts of capital, of guaranty surplus fund, of special reserve fund,

of re-insurance liability, and of other assets, and, upon his issuing such certificate in duplicate, one copy to be given the company and one to be recorded in the insurance department, the said special reserve fund shall be immediately held to protect all policy holders of said company, other than such as are claimants upon it at the time, or such as become such claimants in consequence of such conflagration or conflagrations; and the amount of said special reserve fund, and an amount equal to the unearned premiums of such company, to be ascertained as hereinbefore provided, shall constitute the capital and assets of such company for the protection of policy holders, other than such claimants, and for the further conduct of its business; and such official certificate of the superintendent shall be binding and conclusive upon all parties interested in such company, whether as stockholders, creditors or policy holders, and upon the payment to the claimants, for losses or otherwise, existing at the time of or caused by such general conflagration or conflagrations, of the amount to which they are respectively entitled, in proportion to their several claims, of the full sum of the capital of such company, and of its guaranty surplus fund, and of its assets, excepting only such special reserve fund and an amount of its assets equal to the liability of the company for unearned premiums, as so certified by such superintendent, such company shall be forever discharged from any and all further liability to such claimants, and to each of them; and the said superintendent shall, after issuing his said certificate, upon the demand of such company, transfer to it all such securities as shall have been deposited with him by such company as such special reserve fund; and, if the amount of such special reserve fund be less than fifty per cent of the full amount of the capital of the company, a requisition shall be issued by the said superintendent upon the stockholders to make up such capital to that proportion of its full amount in the manner now provided by law in the case of companies with impaired capitals; and provided, further, that any capital so impaired shall be made up to at least the sum of two hundred thousand dollars, and in case said company, after such requisition, shall fail to make up its capital to at least said amount of two hundred thousand dollars, as therein directed, said special reserve fund shall still be held as security and liable for any and all losses occurring upon policies of such company after such conflagration or conflagrations; and provided, further, that if any amount greater than a sum equal to one-half of its capital stock shall by such company, under the provisions of this act, have been deposited with such superintendent, he shall retain of such securities a sum equal to one-half of what amount he shall so hold thereof in excess of such one-half of such capital stock, and he shall transfer the balance thereof to such company, as herein provided; and the amount so transferred to such company shall, from the time of such transfer (provided the amount thereof shall not be less than two hundred thousand dollars), constitute the capital stock of such company for the further conduct of its business as hereinbefore provided, and the sum so retained by said superintendent shall thenceforth constitute the special reserve fund of such company to which additions may be made as herein provided, and shall be held in the same manner and for the same purposes, and under the same condition as the original special reserve fund of such company was held. Such company shall, in its annual statement to the insurance department of this state, set forth the amount of such special reserve fund and of its guaranty surplus fund. If at any time, in consequence of the payment of losses by fires, or of the expenses of the business, or of

When
company
dis-
charged
from li-
ability.

Transfer
of securi-
ties.

Making up
capital
stock.

Annual
state-
ments.
Guaranty
surplus
fund.

Books,
etc., not
assets.

the interest payable under the provisions of this act to stockholders, or from any other cause, the guaranty surplus fund shall be reduced in amount below the amount of the special reserve fund, the directors of such company shall have the right at their option, at the time of making any division of the net profits as herein provided, to carry a larger sum to the guaranty surplus fund than to the special reserve fund; but this privilege shall cease as soon as the said two funds are made equal in amount. The policy registers, insurance maps, books of record and other books in actual use by such company in its business, are not to be considered as assets, but shall be held by the company for its use in the protection of its policy holders not claimants for losses at the time of such general conflagration.

§ 5. Section eight of said act is hereby amended so as to read as follows:

Impair-
ment of
capital,
how to be
made up.

§ 8: If at any time after said special reserve fund shall have been accumulated by any company, it shall appear, upon examination by the said superintendent, that the capital of such company has, in the absence of any such extensive conflagration, become impaired so as to cause him to order a call upon the stockholders to make up such impairment, the board of directors of such company may either comply with such order and require the necessary payment by the stockholders, or at their option, they may apply for that purpose so much of said special reserve fund as will make such impairment good. No company doing business under this act shall insure any larger amount upon any single risk than is permitted by law to a company possessing the same amount of capital irrespective of the funds hereby provided for. So much and such parts of existing laws as are inconsistent with this act are hereby made and declared to be inapplicable to insurance companies doing business under and in conformity with this act.

Limit on
insurance.

Interpre-
tation.

§ 6. This act shall take effect immediately.

CHAP. 283.

AN ACT to repeal chapter four hundred and eighteen of the laws of eighteen hundred and seventy, entitled "An act to provide for the payment of the board of vagrants committed to the alms-house of the city and town of Newburgh.

PASSED May 31, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. Chapter four hundred and eighteen of the laws of eighteen hundred and seventy, entitled "An act to provide for the payment of the board of vagrants committed to the alms-house of the city and town of Newburgh," is hereby repealed.

§ 2. This act shall take effect immediately.

CHAP. 284.

AN ACT authorizing the Buffalo city cemetery to convey to the city of Buffalo certain lands for a street.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Buffalo city cemetery may grant and convey to the city of Buffalo, for the purposes of a street, all that part of the lands of said cemetery embraced within the bounds of that part of Delaware street in said city running along the westerly boundary of the grounds of said cemetery, as such part of said Delaware street has been laid out by the park commissioners of said city and now appears on their map of the park.

§ 2. This act shall take effect immediately.

CHAP. 285.

AN ACT to amend chapter four hundred and eighty-two, laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors."

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision twenty-six of section one of chapter four hundred and eighty-two, laws of eighteen hundred and seventy-five, entitled "An act to confer on boards of supervisors further powers of local legislation and administration, and to regulate the compensation of supervisors," is hereby amended so as to read as follows:

26. Upon the application of any town duly made by the vote of any annual town meeting, to authorize the annual town meetings in such town to be held by election districts, and to prescribe the manner in which the town business shall be conducted in such districts and the results ascertained and recorded. Provided, however, that whenever the electors of any town in which town meetings are held by election districts shall, by a vote of the majority of the electors of such town, voting at an annual town meeting, declare in favor of a return to the former system of holding one poll at town meetings; it shall then be the duty of the board of supervisors, upon being furnished with an official copy of such action of said electors, to restore the former system of holding one poll only at town meetings therein, but such change shall not be made oftener than once in five years.

Town meetings by districts, etc.

§ 2. This act shall take effect immediately.

CHAP. 286.

AN ACT to amend chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners."

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter eight hundred and thirty-three of the laws of eighteen hundred and seventy-three, entitled "An act to regulate the fees of coroners," is hereby amended by the insertion of a new section immediately after the third section, as follows:

Fees of
jurors.

Report of
coroner.

§ 4. The fees of jurors necessarily summoned upon any coroner's inquest shall be not to exceed one dollar for each day's service, shall be a county charge and shall be audited and allowed by the boards of supervisors in the same manner as other fees and charges mentioned in this act. But the coroner holding such inquest and summoning said jurors shall make report to the next succeeding board of supervisors after every such inquest of the names of such jurors and the term of service of each, and upon what inquest rendered, on or before the third day of the annual session in each year.

§ 2. Sections four, five and six of said act are hereby numbered respectively, sections five, six and seven.

§ 3. This act shall take effect immediately.

CHAP. 287.

AN ACT in relation to auctioneers.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Auction-
eers of
farm
property
need not
give
bonds.

Nor ren-
der semi-
annual
account.

SECTION 1. It shall not be necessary for any auctioneer, of this state, whose auction business is confined to the sale of farm property, and other personal property, sold upon farms and property which may be owned by any person residing in any of the towns and villages in this state and which has not been purchased for the purpose of a sale at auction upon which duties are required to be paid to the comptroller under the laws of this state, to execute the bond now required by law to be executed by auctioneers. Nor shall it be necessary for any such auctioneer to render the semi-annual account now required by law, to be rendered to the comptroller, by auctioneers engaged in the sale of goods, wares, merchandise and effects, the growth or produce of any foreign country.

§ 2. This act shall take effect immediately.

CHAP. 288.

AN ACT to amend title six, chapter one, part four, section two of the Revised Statutes, entitled "Of offenses punishable by imprisonment in a county jail and by fine."

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of title six, chapter one, part four, section two of the Revised Statutes, entitled "Of offenses punishable by imprisonment in a county jail and by fine," is amended so as to read as follows :

§ 2. Every person who shall, either verbally or by written or printed communication, threaten to accuse another of any offense, or shall threaten to communicate, or to publish, or in any manner to use information or documents or statements that are alleged to be injurious to the personal reputation or to the business standing of any other person, with intent by any such threatening to extort any property or to derive any pecuniary or valuable benefit whatever to the person making such threat, or to any other person or persons, shall, upon conviction, be adjudged guilty of a misdemeanor, and punished as hereinafter prescribed. Attempts to extort.

§ 2. This act shall take effect immediately.

CHAP. 289.

AN ACT to provide ways and means for the support of government.

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be imposed for the fiscal year, beginning on the first day of October, eighteen hundred and seventy-eight, on each dollar of real and personal property of this state subject to taxation, taxes for the purposes hereinafter mentioned, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes for that year, in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of this state to be held by the treasurer for application to the purposes specified, that is to say: for the general fund and for the payment of those claims and demands which shall constitute a lawful charge upon that fund during the fiscal year commencing October first, eighteen hundred and seventy-eight, one mill and five hundred and thirty-one one-thousandths of one mill. For the free school fund for the maintenance of common schools, one mill and sixty-nine one-thousandths of one mill. Tax levy of state.
For general fund.
Free school fund.

CHAP. 290.

AN ACT to facilitate the making proofs of imprisonment and discharge from state prison upon a trial for second offense.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificate
of warden
of state
prison evi-
dence.

SECTION 1. The certificate of the warden or other chief officer of any state prison, under the seal of his office, containing name of person, a statement of the court in which conviction was had, the date and term of sentence, length of time imprisoned, and date of discharge from prison, shall be prima facie evidence on the trial of any person for a second or subsequent offense, of the imprisonment and the discharge of such person, either by pardon or expiration of his sentence (as the case may be) under the conviction stated and set forth in such certificate. But such certificate shall not, in any other case, be evidence of such imprisonment and discharge.

§ 2. This act shall take effect immediately.

CHAP. 291.

AN ACT to authorize the comptroller to compromise and settle old judgments and contract debts.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Comp-
troller
may com-
promise
old judg-
ments, etc.

SECTION 1. The comptroller of this state is hereby authorized and empowered, with the approval of the attorney-general, to compromise, compound, settle, discharge and release any judgment or contract debt not in judgment against an individual or corporation, in favor of the state, in cases where more than ten years have now elapsed since the recovery of such judgment or the contraction of such debt, upon such terms as the comptroller and attorney-general may deem best for the interests of the state.

§ 2. This act shall take effect immediately.

CHAP. 292.

AN ACT to amend section thirty-seven of title one of chapter five, part third of the Revised Statutes.

PASSED May 21, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-seven of title one. chapter five, part third of the Revised Statutes, is hereby amended so as to read as follows: Ejectment.

§ 37. The court in which such judgment shall be rendered at any time within three years thereafter, upon the application of the party against whom the same was rendered, his heirs and assigns, and upon payment of all costs and damages recovered thereby (excepting mesne profits or damages for the withholding of the premises), shall vacate such judgment, and grant a new trial in such cause. And the court upon subsequent application, made within two years after the rendering of the second judgment in said cause, if satisfied that justice will be thereby promoted, and the rights of the parties more satisfactorily ascertained and established, may vacate the judgment and grant another new trial. But no more than two new trials shall be granted under this section. New trials, how granted.

§ 2. This act shall take effect immediately.

CHAP. 293.

AN ACT to release the interest of the people of the state of New York in certain real estate in the counties of Greene and Delaware to Julia E. Stewart.

PASSED May 21, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the estate, right, title and interest of the people of the state of New York, of, in and to all that certain village lot or parcel of land situate in the village of Hobart, Delaware county, and state of New York, and bounded generally as follows: Northerly by the office lot of John S. McNaught and the center of the highway, easterly by the foundation wall of the store formerly owned by William S. Foot and which he now occupies, to the Delaware river ; thence down said river along high-water mark to the easterly side of a lane, east of a store now occupied by Robert S. Rich ; thence northerly along the easterly side of said lane to the southerly bounds of said office to the place of beginning. Title of the state released.

Also the lot or parcel of land situate in the village of Prattsville, county of Greene, and state of New York, known as the German lot, bounded as follows : Being part of lot number forty-eight, in a map of said village of Prattsville made by Allen H. Jackson June fifth, eighteen hundred and thirty-three, and bounded as follows: On the north-west by

the lands of Mary C. Martin; on the north-east by the house and lot of John Van Deusen; on the south-east by the center of the Huntersfield road; on the south-west by the lot of John L. Pendell. The first lot being the premises conveyed by Charlotte A. Knapp to Daniel Stewart by deed dated December thirtieth, eighteen hundred and seventy-five, and recorded in book eighty-one of deeds, page three hundred and twenty-one, in the clerk's office in the county of Delaware, and which both lots escheated to the state of New York upon the death of Daniel Stewart aforesaid, late of the town of Stamford, Delaware county, New York, is hereby released and conveyed to Julia E. Stewart, step-mother of said Daniel Stewart, and to her heirs and assigns forever.

Proviso.

§ 2. Nothing in this act contained shall be construed to impair or affect the right in the said real estate of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise.

§ 3. This act shall take effect immediately.

CHAP. 294.

AN ACT releasing the interests of the state in certain lands of which Patrick Kinney died possessed, to John Kinney, James Kinney and Patrick Kinney, his children and heirs-at-law.

PASSED May 21, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title of
the state
released.

SECTION 1. All the right, title and interest of the people of this state, to the lands and real estate situate in the village of Batavia, county of Genesee, in this state, conveyed by Trumbull Cary and Margaret E. Cary, his wife, to Patrick Kinney, deceased on the first day of May, one thousand eight hundred and forty-seven, which conveyance is recorded in the Genesee county clerk's office, in liber seventy-eight of deeds, at page four hundred and twenty-eight, and which land and premises are described as being all that certain tract or parcel of land situate in the village of Batavia, county of Genesee, and state of New York, and distinguished by the south-west part of lot number thirty-three in said village, bounded as follows, namely: Beginning at a point where the west line of said lot intersects the middle of a highway running through said lot, near the Tonawanda creek; thence south-easterly along the middle of said highway, four chains thirty-three links; thence south twenty-eight degrees west, six chains twenty links, to a post in the bank of the Tonawanda creek; thence north twenty-eight degrees west, bounding on said creek two chains seventy links to the south-west corner of said lot; and thence north twelve degrees east along the west line of said lot six chains fifty-seven links to the place of beginning, containing one acre and eighty hundredths of an acre, be the same more or less, of which the said Patrick Kinney died seized and possessed, acquired by escheat thereof on the death of the said Patrick Kinney by reason of his alienage, is hereby released to and vested in John Kinney, James Kinney and Patrick Kinney, the children of the said Patrick Kinney, deceased, and their heirs and assigns forever.

§ 2. Nothing in this act contained shall release, discharge or impair Proviso.
any right, claim or interest of any creditor or purchaser, mortgagee or
devisee in the said real estate.

§ 3. This act shall take effect immediately.

CHAP. 295.

AN ACT to release and convey the interest of the people of
the state of New York, of, in and to certain real estate situ-
ated in the town of Grand Island, county of Erie, state of
New York, to Leopold Mullenhoff.

PASSED May 21, 1878; by a two-third vote.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows :*

SECTION 1. All the right, title and interest of the people of the Title of
the state
released.
state of New York, in and to certain real estate lying and being in the
town of Grand Island, Erie county, described as all that certain piece
or parcel of land situate, lying and being on Grand Island, within
Niagara river, being fifty acres off the east side of a lot known and
distinguished as lot number seventy-one, on said Island, as the same
has been surveyed, and is bounded and described on the field book and
map of said island, on file in the office of the secretary of state; said
fifty acres to be laid off by a line parallel to the east line of said lot, at
such a distance therefrom as to embrace such quantity of fifty acres,
excepting and reserving therefrom a strip two rods wide, in the south-
erly line thereof, for half of a public highway running east and west
across said island, being the same property intended to be conveyed
by George F. Fulman to John Nulton, by deed dated September
twenty-one, eighteen hundred and forty-eight, recorded in liber one
hundred and fourteen of deeds, at page forty-one, in Erie county clerk's
office, February seventeen, eighteen hundred and fifty-one, which es-
cheated to the state by the alienage of the said John Nulton, are
hereby released and conveyed to Leopold Mullenhoff, the heir of said
John Nulton, and to his heirs and assigns forever, and he may devise,
sell and release, or convey his interest in the same.

§ 2. Nothing herein contained shall be construed to impair or affect Proviso.
the right, title or interest of any purchaser, devisee, or of any creditor
by mortgage or otherwise, or any heir-at-law, devisee, grantee or vendee
of the said John Nulton.

§ 3. This act shall take effect immediately.

CHAP. 296.

AN ACT to confirm the official acts of Ralph L. Cook as notary public of Kings county.

PASSED May 21, 1878, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
acts as
notary
public,
confirmed.

SECTION 1. All the acts of Ralph L. Cook, residing in the county of Kings, done as notary public of Kings county, from the eighteenth day of February, eighteen hundred and seventy-seven, to and including the twenty-sixth day of February, eighteen hundred and seventy-eight, are hereby confirmed and declared valid and shall have the same force and effect as if he had been duly appointed and qualified as a notary public for said period.

.Proviso.

§ 2. Nothing in this act contained shall affect the rights of any party to any suit or proceeding commenced prior to the passage of this act.

§ 3. This act shall take effect immediately.

CHAP. 297.

AN ACT to ratify and confirm the title of Catherine Rasbach to certain lands in the village of Ilion, Herkimer county, New York.

PASSED May 21, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Title to
certain
lands
confirmed.

SECTION 1. All the estate, right, title and interest of Frederick Orman, an alien, and that of his wife in and to certain real estate situate in the village of Ilion, county of Herkimer, and state of New York, is hereby vested in Catherine Rasbach in fee; and the deed of said Frederick Orman and wife, of the same, recorded in book number one hundred and eleven of deeds at page two hundred and six in the Herkimer county clerk's office, is hereby ratified and confirmed and shall be of the same force and effect as though the said Frederick Orman had been a citizen of the United States when said deed was executed and delivered to said Catherine Rasbach.

§ 2. This act shall take effect immediately.

CHAP. 298.

AN ACT to legalize the acts of surrogates and officers acting as such, in granting letters of administration, and to provide for the issuing of such letters in certain cases.

• PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The acts of any and all surrogates and other officers lawfully acting as such, in granting letters of administration upon petition verified before any person authorized to administer oaths, are hereby made and declared to be as legal, and of the same force and effect, as if such oath or affirmation had been administered by the surrogate, and an examination of the applicant had been personally made by the surrogate or person acting as such, granting such letters of administration.

Validating certain acts of surrogates.

§ 2. A surrogate or other officer lawfully acting as such may, in his discretion, grant letters of administration, upon a petition duly verified before any magistrate or officer duly authorized to administer oaths, without a personal examination of the person so applying. This act shall not apply to or affect any action or proceeding now pending.

Surrogate may grant letters of administration on petition verified before magistrate, etc.

§ 3. This act shall take effect immediately.

CHAP. 299.

AN ACT to amend chapter four hundred and sixteen of the laws of eighteen hundred and seventy-seven, entitled "An act relating to courts, officers of justice and civil proceedings.

PASSED May 21, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight hundred and seventy of chapter four hundred and sixteen of the laws of eighteen hundred and seventy-seven, entitled "An act relating to courts, officers of justice and civil proceedings," is hereby amended so as to read as follows:

§ 870. The deposition of a party to an action pending in a court of record or of a person who expects to be a party to an action about to be brought in such a court other than a court specified in subdivision sixteenth, seventeenth, eighteenth or nineteenth of section two of this act may be taken at his own instance or at the instance of an adverse party or of a co-plaintiff or co-defendant at any time before the trial as prescribed in this article.

Depositions of party, etc.

§ 2. This act shall take effect immediately.

CHAP. 300.

AN ACT relating to powers of attorney by married women.

PASSED May 21, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Powers of
attorney
of married
woman.

SECTION 1. Any married woman being a resident of this state, and of the age of twenty-one years or more, may execute, acknowledge and deliver her power of attorney with like force and effect and in the same manner as if she were a single woman.

§ 2. This act shall take effect immediately.

CHAP. 301.

AN ACT to authorize the attorney-general, the superintendent of public works, the superintendent of state prisons, and state treasurer to have official seals.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Official
seals.

SECTION 1. The attorney-general, the superintendent of public works, the superintendent of state prisons and state treasurer are each hereby authorized to adopt and procure an official seal, with suitable devices and inscription. A description of such seal, with an impression thereof and a certificate of approval of the same by the governor, shall be filed as required by law in the office of the secretary of state, and from the date of such filing shall be the official seal of the respective offices so adopting them, and may be renewed when necessary.

§ 2. This act shall take effect immediately.

CHAP. 302.

AN ACT in relation to the taking of clams, oysters and shell fish within the waters of this state, and dredging for the same.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Non-resi-
dents not
to gather
clams and
oysters.

SECTION 1. It shall not be lawful for any person or persons who are not at the time actual inhabitants and residents of this state to rake or gather clams, oysters or shell fish either on their own account and for their own benefit or on account of or for the benefit of their employers in any of the rivers, bays or waters of this state, on board of any canoe, flat scow, boat or other vessel; but the provisions of this

section shall not be so construed as preventing any actual resident, an inhabitant of this state, from employing persons to rake or gather clams, oysters and shell fish, for the use and benefit of said actual resident and inhabitant of this state. Construction.

§ 2. It shall not be lawful to dredge for oysters, clams or shell fish with a dredge operated by steam power in any of the bays, rivers or waters of this state. No dredges to be used exceeding thirty pounds in weight for catching oysters, clams or other shell fish. Dredging.

§ 3. Every person offending as aforesaid shall also be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by such a fine as the court may deem just and proper, but not to exceed one hundred dollars, or by imprisonment in the county jail, workhouse, or penitentiary not exceeding six months, or by both such fine and imprisonment in the discretion of the court. Any court of special sessions in any county where said offense shall be committed shall have jurisdiction to hear, try and determine any case arising under this act. Penalty. Jurisdiction.

§ 4. This act shall take effect immediately.

CHAP. 303.

AN ACT making an appropriation to pay an award of the canal appraisers in favor of Peter Voorhees, as modified by the court of appeals.

PASSED May 21, 1878, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums are hereby appropriated from the fund for the enlargement and completion of the canals, for the following objects, to wit: The sum of four thousand two hundred and two dollars and fifty cents, to pay the principal of an award made by the canal appraisers in favor of Peter Voorhees, on the twentieth September, eighteen hundred and sixty-nine, as modified by the court of appeals in the year eighteen hundred and seventy-seven; and the further sum of two thousand one hundred and twenty dollars and eighty-one cents, or so much thereof as may be necessary, to pay the accrued interest on the aforesaid award as modified by the court of appeals. Appropriation.

§ 2. This act shall take effect immediately.

CHAP. 304.

AN ACT in relation to the property and families of absconding persons.

PASSED May 21, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the father, or the mother being a widow or living separate from her husband, has absconded or shall abscond from his or her children or a husband from his wife, leaving any of such children or such wife chargeable, or likely to become chargeable upon When property of absconding persons to

be applied
to support
of fam-
ilies.

How ap-
plication
made.

Guardians
for
minors.

Proceeds
not to be
mingled
with other
funds.

Officer to
give secur-
ity and to
account.

Notice of
account-
ing.

the public for their support, and any real or personal estate of such father, or mother, or husband, has been or shall be seized by a superintendent of the poor or an overseer of the poor, or by a board of charities (or by other officers authorized to make such seizure), by warrant of the justices of the peace of the county where such real or personal property may be situated, and the court of sessions of the county wherein such superintendent or overseer of the poor or board of charities, or other officers authorized to make such seizure resides, has confirmed, or shall confirm said warrant and seizure and has heretofore directed, or shall hereafter direct what part of any of the said personal property shall be sold and how much if any of the proceeds of such sale and of the rents and profits of the real estate, if any, be applied toward the maintenance of the children or wife of the person so absconding, then the said superintendent or overseer of the poor, board of charities or other officers so authorized and directed, shall apply the said proceeds of sale of said personal property, or rents and profits of the real estate (as the case may be): First, to the payment of such taxes and assessments as may be outstanding and existing liens upon the said real estate, and repairs necessary to be made upon said real estate; and premiums for insurance on the buildings on said real estate and the balance, if any, directly to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, as the same may be required from time to time; and for all of such expenditures they shall take proper vouchers, and from the rents and profits thereafter received from any real estate so seized they shall first pay all legal taxes and assessments, as they shall be assessed against said real estate and such premiums for insurances and expenses for such repairs thereon as they may deem necessary for the protection and preservation of said real estate, and the balance of said rents and profits shall be applied by said overseers, superintendents, boards of charities, or other persons authorized to make such seizures, to the maintaining, bringing up, and providing for the wife, child, or children so left and abandoned, and proper vouchers shall be taken thereof.

§ 2. Whenever any child or children, entitled to the benefits provided by this act, shall be a minor or minors whose mother is dead and whose father has absconded from his children, or whose mother, being a widow or living apart from her husband, has absconded from her children, and such minor or minors shall have no guardian, the court of sessions having jurisdiction of this matter shall appoint some suitable person guardian ad litem or next friend of such minor or minors, whose duty it shall be to see that the provisions of this act are carried into effect. The proceeds of the sale of said personal property and the rents and profits of said real estate shall not be mingled or placed with any other funds held or owned by the officer or officers receiving the same, but shall be kept separate and distinct. Such superintendent, overseer of the poor, board of charities or other authorized officer shall give security for the faithful preformance of the duties hereby imposed in such form and in such sum as the aforesaid court may direct, and shall account to the court of sessions for all moneys so received by them and for the application thereof from time to time and may be compelled by the said court to render such account at any time.

§ 3. Notice of such accounting shall be given to the wife or children, so left and abandoned, as the case may be, and to the guardian of such

children, if any of them be minors. And in the event that no guardian or next friend has been appointed, as hereinbefore provided, the said court shall, prior to such accounting being had, appoint some suitable person to attend upon such accounting in behalf of said minors, and notice of such appointment and of such accounting shall be given to the person so appointed.

§ 4. All penalties received from the prosecution of any recognizance given by any person who shall have abandoned or neglected his wife or children, or who shall have threatened to run away and leave his wife or children a burden on the public, shall be retained by the officer at whose instance such recognizance was prosecuted, and applied for the same purpose and in the same manner as in the first section of this act provided for the disposition of the proceeds of the sales of personal property and the rents and profits of real estate seized under the provisions of this act. Penalties, how applied.

§ 5. This act shall take effect immediately.

CHAP. 305.

AN ACT to provide for a police commission in the town of New Lots, Kings county, and to establish a police force therein.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The town of New Lots, in the county of Kings, shall constitute a police district which shall be known as and called "the police district of the town of New Lots." Police district.

§ 2. The powers and duties connected with and incident to the police government and discipline of said district shall be as hereinafter more especially provided for, vested in and exercised by a board of commissioners, consisting of three persons, residing in said town of New Lots, who shall, within thirty days after the passage of this act, be appointed by the supervisor of said town, the president of the excise commission of said town and the justices of the peace of said town now in office having the shortest term to serve, or a majority of them, who shall be known and act as a police board in and for said district, and shall have the general charge, supervision and control of the police force of said district, and in case of a vacancy in said office of police commissioner or commissioners, occurring by death or otherwise, the successor or successors of such commissioner or commissioners shall be appointed by the supervisor of said town. Police commissioners, appointment of, etc.

§ 3. One of said commissioners so designated shall act as president of said police board. The said board shall also select annually at their first meeting in January from among their members, a treasurer of the said police board, who shall be the financial officer thereof; he shall, on check and voucher, duly disburse, by order of said board, all moneys belonging to the police board, and shall deposit all funds in hand in such bank as the said board may direct; he shall also execute and file with said board a bond with one or more sureties, to be approved by said board, in the penal sum of not less than ten thousand dollars, conditioned for the faithful discharge of his duties; they shall appoint a clerk to said board. President.
Treasurer.

His bond.
Clerk.

Meetings.	§ 4. The said board shall convene at such place designated by the board, as a police board, regularly, at least once in each month, and oftener if specially required to transact the business of said police
Quorum.	force. A majority of all the members of said board shall constitute a quorum for the transaction of business, and each member of said
Compensation.	board, and said clerk, shall be entitled to a pay of two dollars for each day, when present, sitting as said board, and clerk thereof.
Policemen, appointment of, etc	§ 5. The said board of police shall, whenever, in their judgment, it becomes necessary, appoint not to exceed fifteen policemen, who shall constitute the police force of said district, but no person shall ever be appointed a policeman by said board, or shall continue to hold office as such, who is not a citizen of the United States, or who has been convicted of any crime, or who cannot understandingly read and write the English language, or who shall engage in any other business or profession or who has not been a resident of said town or district for one year previous to appointment, or who shall not receive the affirmative votes of a majority of all the members composing said board, and all vacancies occurring may be filled by said board.
Compensation of policemen.	§ 6. The policemen appointed by such board of police shall receive for their services such compensation as shall be fixed by said board of commissioners, which shall not in any case, except as hereinafter
Captain of police.	provided, exceed eight hundred dollars per annum. The said board of police shall select from the policemen appointed by them one of
His duties.	the number, who shall be known as the captain of police, whose duty it shall be, under the direction of said board of police, to superintend the police department of said district, of which department he shall be the chief executive officer, and he shall perform such other police duty as said board of police may direct. He shall keep a book of records, to be denominated "police records," in which he shall make daily entries of all the proceedings of his department, and of all the services rendered by him and the several policemen. He shall, on the first day of each month, report to the board of police the state of his department, the services performed by the policemen, respectively, the amount respectively due to them for their services in the preceding month, and whether any of them shall have been delinquent in their duties. The compensation of the captain of police shall be such sum as shall be fixed by the board of police of said district, which shall not exceed nine hundred dollars per annum. The board of police shall also, if, in their judgment, they shall deem it necessary, select from the policemen appointed by them one or more of the number, who shall be known as sergeants of police, and shall define their duties and fix their pay, which shall not exceed eight hundred dollars each per annum; and no other salary or compensation to any other person or officer shall be permitted otherwise than as heretofore provided.
To keep police records.	
To make monthly reports.	
Compensation.	
Sergeants of police.	
Compensation.	
Members of police force, terms of office of.	§ 7. Each member of the said police force shall hold office during good behavior, unless the said board of police should decide to reduce the number of the policemen appointed by them, or disband the said police force, in which case they may dismiss any or all of the members of the said police force, without charges being preferred against them, but except as above provided any one of the members shall be removed by the board of police only on proof of charges preferred to them in writing, of which he has had notice, and after he has had an opportunity to be heard in his defense, and pending such charges the board of police may suspend any policeman from duty. The said board of police shall also have power in its discretion on conviction of
Removal.	
Suspension.	

a member of the force of any illegal offense, neglect of duty, violation of rules, disobedience of orders, incapacity, absence without leave, corrupt or improper conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending member by reprimand, forfeiture of pay, but not for more than ten days for each offense, or by dismissal from the force. The treasurer of the board is hereby directed to retain from the pay of any offending member of the said police force that may be punished as above provided all fines and authorized deductions, and credit the same to the police fund of said town.

Punish-
ment for
neglect of
duty, etc.

§ 8. The said board of police may also, at the request of any corporation or person or persons, appoint and swear such number of special policemen of the police force to do special duty at any place within said district as such corporation or person or persons may request, but the compensation, if any, of such special policemen shall not in any event be a charge upon the police board or any member thereof, or upon the said town of New Lots, but shall be paid by the corporation or person or persons requesting their appointment. And the policemen so additionally and specially appointed shall be subject to the orders of the captain of police, and shall obey the rules and regulations of said department and conform to its general discipline, and to such special regulations as shall be made, and shall wear such dress or emblem as the board may direct, and shall during the term of their appointment possess all the powers, privileges, and discharge all duties of the police force of the town of New Lots applicable to policemen. The persons so appointed may be removed at any time by the board without assigning any cause therefor, upon notice to the corporation or person or persons who applied for the appointment as aforesaid.

Special
police-
men.

Their
compen-
sation.

To be sub-
ject to
police
orders.

Powers
and
duties.
Removal.

§ 9. The said board may from time to time provide and keep in order such stations and station-houses for the accommodation of said police within said district, and as places of temporary detention for persons arrested and property by them taken.

Station-
houses.

§ 10. The said board may make such by-laws, not inconsistent with the laws of this state, as may be necessary for the government of the police force hereby established, for the uniforming them, and for the maintenance of law and good order in said district; it may also, for the promotion of discipline of said force from time to time, enact or repeal orders of general discipline, distributing the powers, duties and liabilities of the respective members of the force.

By-laws,
etc., for
govern-
ment of
police.

§ 11. The members of said police force shall possess, in every part of the state, all the powers of constables, except for the service of civil process; and any warrant for search or arrest issued by any magistrate of this state may be executed in any part thereof by any member of said police force, without any indorsement of said warrant. They shall also have power and authority to immediately arrest, without process or warrant, and take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense prohibited by act of the legislature, or by any ordinance of the city, town or village within which the offense is committed or attempted; but such member of said police force shall, under the penalty of ten days' fine or dismissal from the force, in the discretion of the board, immediately on such arrest, convey, in person, such offender before a magistrate of the city, town or village, where the arrest is made, that he may be dealt with according to law. If

Members
of police
force to
have pow-
ers of con-
stables,
etc.

Power to
make
arrests
without
process.

To convey
offenders
to nearest
magis-
trate.

When to
detain
same.

the arrest be made during the hours that the magistrate does not regularly hold court, or if the magistrate is not holding court, such offender shall be detained in a station-house until the next public sitting of the magistrate, and no longer, but shall then be conveyed, without delay, before the magistrate to be dealt with according to law.

Reports of
arrests.

§ 12. In every case of arrest by any member of said force, the same shall be immediately made known to the superior on duty, and it shall be the duty of said superior to make a report of all arrests to said board as often as required.

Police
force,
duties of.

§ 13. It is hereby made the duty of said police force at all times of the day or night, within the said district, and the members of said force are accordingly thereunto empowered, especially to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and property, guard the public health, preserve order at every primary and public election, report nuisances in streets and roadways, restrain disorderly houses and houses of ill-fame, observe and inspect all places having excise or other licenses to carry on business, arrest beggars, protect property at fires, assist travelers, and enforce all laws relating to the suppression and punishment of crime.

Books of
record to
be kept by
board.

§ 14. The board shall cause to be kept books of record of the police force, of oaths of office of members of the force, of persons arrested for offenses, of complaints against policemen and the judgment of the board thereon, of time lost by policemen, of accounts of the treasury showing the amount of money received and expended, and for what purpose expended, and of the proceedings of the board.

Warrants
of appoint-
ment of
police
force.

§ 15. Every member of the said police force shall have issued to him by the said board of police a proper warrant of appointment signed by the members of said board, which warrant shall contain the day of his appointment and his rank, and each member of said force shall, before entering upon his duties, take and subscribe the constitutional oath of office.

Oath.

Police
officers to
receive no
fees.

§ 16. No member of said police force nor any officer of said board under any pretense whatever shall receive any fee, gift, or emolument for police services, otherwise than as above stipulated and provided.

Rewards.

The said board for meritorious and extraordinary services rendered by any member of the police force in the due discharge of his duty, may permit any member of the police force to retain for his own benefit any reward or present tendered him therefor, and it shall be cause of removal from the police for any member thereof to receive any such reward or present without notice thereof to the board. Upon receiving said notice the said board may either order the said member to retain the same, or shall dispose of it for the benefit of the police fund of said town.

Subpoenas.

§ 17. The said board shall have power to issue subpoenas to compel the attendance of witnesses upon any proceedings authorized by this act or by the rules and regulations of the board. The several members of the board and the captain of police are hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the orders, rules and regulations of the board or for the purposes of this act. Any willful and corrupt false swearing by any witness or person, to any material fact, in any proceedings under the said orders, rules

Oaths and
affirma-
tions.

Perjury.

and regulations or under these provisions, shall be deemed perjury, and punished in the manner now prescribed by law for said offense.

§ 18. Upon the presentation of satisfactory proof of due service of such subpoena and a failure to obey the same or of a refusal by any person appearing before said board to take oath or affirmation or to answer any proper question, it shall be the duty of any justice of the supreme court or judge of the county court of Kings county, to whom the same shall be presented, to issue an order returnable at an early day, requiring the person so failing or refusing, to show cause why an attachment should not issue against him, and to adopt other and further measures to compel the witness to appear and testify, and to punish disobedience, as if the matter was legally pending in said court.

Proceedings in case of refusal to obey subpoena or take oath.

§ 19. If any member of the said force, or if any two or more householders shall report in writing under his or their signatures, to the captain of police, that there are good grounds (and stating the same) for believing that any house, room or premises within the said police district is kept or used as a common gaming house, common gaming room or common gaming premises for therein playing for wagers of money at any game of chance, or to be kept for lewd or *obscene purposes or amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the captain of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons there found offending against law, but none others, and seize all implements of gaming or lottery tickets or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the office of the said board. It shall be the duty of the said captain of police to cause such arrested persons to be prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the board shall direct.

Gaming houses, etc., when captains may authorize members to enter.

Arrests.

Seizure of implements.

Prosecution, etc.

§ 20. The said board shall take charge of and distribute all ballot-boxes for use at general, special and town elections, and retain the custody of said boxes, except during the taking, receiving and counting the votes.

Ballot-boxes, board to have charge of.

§ 21. The fair and reasonable expenses for said police force for services rendered in said district, together with the contingent expenses of the police establishment, such as printing and stationery, which contingent expenses, except for the first year, shall not exceed one hundred dollars in any one year, shall be a charge upon the taxable property of said town of New Lots, and shall be determined by said board of police for each succeeding year, commencing January first, and by them certified to the board of supervisors of the county of Kings, and the said board of supervisors shall cause the amount so called for to be levied and collected in the same manner as and with the other expenses of said town and paid over to the treasurer of said board of police to the credit of the police fund of said town.

Expenses of police force to be a town charge, etc.

§ 22. Upon the passage of this act the said board of police commissioners of the town of New Lots shall make a demand upon the police commissioners or other official of the city of Brooklyn having the custody of any funds heretofore raised for police purposes in said town, and it shall be the duty of said police commissioners or other official to pay over to the said board of police commissioners of said town of New Lots any and all funds remaining in the hands of the said

Commissioners to make demand upon Brooklyn officials for funds raised, etc.

* So in the original.

RECEIVED

100

END

The Commission of
the State of Vermont as
represented by the Vermont
State Police Department
and the State and
Federal Marshals
has received information from
Andrew J. Andrew
Commissioners of
the State of Vermont done, in
the name of the State of Vermont made as
the bond
to effect any ac-

§ 2. The clerk of Cattaraugus county shall not be subject to Clerk not subject to subpoena. subpoena* to produce such maps or either of them or any certificates thereto, nor shall he be required to remove the same from the clerk's office of said county.

§ 3. This act shall take effect immediately.

CHAP. 308.

AN ACT in addition to an act, entitled "An act relating to the Union Cemetery in the town of Bushwick, county of Kings, passed April twelve, eighteen hundred and fifty-three."

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The lands and premises described in chapter one hundred and ninety-six of the laws of eighteen hundred and fifty-three, entitled "An act relating to the Union Cemetery in the town of Bushwick, county of Kings, passed April twelve, eighteen hundred and fifty-three," shall be and continue a rural cemetery forever, subject to all laws relating to rural cemeteries, as modified and limited by the act to which this is an addition. Lands to continue a cemetery forever.

§ 2. Whenever either of the two churches named in said act whose trustees constitute the joint board of trustees of said Union cemetery shall wish to release its interest in said cemetery to the other corporation named in said act on terms to be agreed on, it shall be lawful for either of said church corporations so to release to the other, by instrument of release, executed under its corporate seal, and duly certified to entitle the same to be recorded, all its right, title and interest in said rural cemetery, known as the Union cemetery of the town of Bushwick, its lands and franchises and property, and on the acceptance of such release the church corporation to whom the same is executed shall, in its trustees, become vested with the entire property, interests, rights and franchises of said Union cemetery, subject to all the duties and obligations now charged on the joint board of said corporation, such trustees to hold such property, franchises and rights as successors to the joint board, and to perform all the duties required by law of said joint board, excepting that the report of the condition of the cemetery from year to year shall only be made to the church whose trustees are herein made the successors of said joint board. Either church may release interest to the other.

§ 3. Nothing in this act contained shall affect or impair the rights of any private person purchasing or who has heretofore purchased burial plats in said cemetery or paid for interments in said grounds. Proviso.

§ 4. This act shall take effect immediately.

*So in the original.

CHAP. 309.

AN ACT to facilitate the construction of the Syracuse. Phoenix and Oswego railroad.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Exemption from assessment and taxation in Oswego, authorized.

Proviso.

SECTION 1. The common council of the city of Oswego, by a majority of all its members, are hereby authorized to exempt from assessment and taxation for all municipal purposes for the period not exceeding ten years after the completion of said road, all of the real and personal property of the Syracuse, Phoenix and Oswego Railroad Company within the limits of the city of Oswego, its successors or assigns ; provided said railroad company, its successors or assigns, shall complete said railroad from the city of Syracuse to the city of Oswego, upon the east side of the Oswego river, within two years after the passage of this act, and in case of such exemptions the assessments and taxation of the other taxable property within said city shall be as valid as if said railroad property were not exempted.

§ 2. This act shall not affect or apply to any property, the title to which is now in any railroad company within the city of Oswego.

§ 3. This act shall take effect immediately.

CHAP. 310.

AN ACT to legalize the official acts and proceedings of Alanson King, Andrew Sheldon and Harvey Wellman, as commissioners of excise of the town of Perry, Wyoming county.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

Official acts of commissioners legalized.

Proviso.

SECTION 1. All acts and proceedings of Alanson King, Andrew Sheldon and Harvey Wellman, and each of them, as commissioners of excise of the town of Perry, county of Wyoming, heretofore done, in virtue or by color of office as such commissioners, are hereby made as legal and valid as they would have been had they executed the bond required by law.

§ 2. Nothing in this act shall be so construed as to affect any action or proceeding already commenced.

§ 3. This act shall take effect immediately.

CHAP. 311

AN ACT to legalize and confirm the official acts of Robert B. Sedgwick of the county of Kings, a notary public.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The official acts and proceedings of Robert B. Sedgwick, of the city of Brooklyn, performed by him as notary public for the county of Kings, since the thirtieth day of March, one thousand eight hundred and seventy-eight, are hereby made as legal and shall be held to be of the same force and validity as if the term of office of the said Robert B. Sedgwick, as such notary public, had not expired on the thirtieth day of March, one thousand eight hundred and seventy-eight.

Official
acts as
notary
public
legalized.

§ 2. This act shall not affect any action or legal proceeding now pending.

Proviso.

§ 3. This act shall take effect immediately.

CHAP. 312.

AN ACT in relation to the manual labor school upon the Tonawanda reservation.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees of the Tonawanda reservation manual labor school are hereby authorized to fence and otherwise improve the farm known as the "school farm," and to cultivate the same in a judicious and proper manner, and to employ necessary laborers for that purpose ; and the necessary expenses may be paid by them, from time to time, out of moneys in their hands not necessary to be used for other purposes.

Trustees
may im-
prove
school
farm, etc.

§ 2. This act shall take effect immediately.

CHAP. 313.

AN ACT to incorporate the General Council of the Methodist Episcopal Ministers' National Mutual Aid Association, and to provide for the organization of subordinate chapters.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Carlton C. Wilbor, Andrew F. Morey, Charles W. Bennett, William H. Reese, DeWitt C. Huntington, Manly S. Hard, Albert D.

Corpora-
tors.

Corporate
name and
powers.

Wilbor, Thomas F. Parker, James E. Bills, and all persons who are now or may hereafter become associated with them or their successors, are hereby constituted and created a body politic and corporate by the name and title of "The General Council of the Methodist Episcopal Ministers' National Mutual Aid Association," and as such shall have perpetual succession and shall be capable of suing and being sued in all courts of record and elsewhere, and of taking, holding, purchasing, granting, and conveying real, personal and mixed property to an amount not exceeding fifty thousand dollars; to have and use a common seal, and break and alter the same at pleasure, and shall also have power to provide for the organization of such subordinate chapters as it may see fit, under such rules, by-laws and regulations as the said general council may establish, and with such powers as it shall give consistent with this act, and not in conflict with the laws of this state.

Objects.

§ 2. The objects of such corporation shall be to protect the members of such chapters against want in the time of old age and superannuation and of their families in case of their death.

Bene-
ficiary
fund.

§ 3. It shall be lawful for the corporation to create, hold, manage and disburse a beneficiary fund sufficient to pay all losses and expenses incident to the corporation for the relief of members and their families of the chapters under the jurisdiction of the general council, under such regulations as may be adopted by said general council.

It.

§ 4. Such beneficiary fund as may be ordained suitable by said corporation may be set apart and provided to be paid over to the families, heirs or representatives of deceased members, or to such person or persons as such deceased member may, while living, have directed, subject to the rules of said general council, and to superannuated members also subject to said rules, and the collecting, management and disbursement of the same as well as the person or persons to whom, and the manner and time in which the same shall be paid on the death or superannuation of a member, shall be regulated and controlled by the rules and by-laws of the said general council.

By-laws.

§ 5. The said general council shall have power to make, from time to time, such by-laws, rules and regulations as they shall judge proper for the election of officers or prescribing their functions and the mode of discharging the same; for the admission of new members into the subordinate chapters, and the government and regulation of such chapters; for the regulating and fixing the amount and time of payment of all fees, dues and funds of said general council and the subordinate chapters under its jurisdiction; for the arrangement of all the affairs of the said corporation, and for suspending, fining, or expelling all such officers or members of chapters under its jurisdiction as shall neglect or refuse to comply with any such by-laws, rules or regulations.

Bond.

§ 6. In case said general council shall provide for the giving of a bond by any official thereof or of any subordinate chapter thereof, the same shall be made to said "The general council of the Methodist Episcopal Ministers' National Mutual Aid Association."

§ 7. This act shall be deemed and held a general act.

§ 8. This act shall take effect immediately.

CHAP. 314.

AN ACT to amend chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An act to incorporate the Veterans of the National Guard, seventh regiment, first division, New York State Militia.

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter forty-one of the laws of eighteen hundred and sixty-one, entitled "An act to incorporate the Veterans of the National Guard, seventh regiment, first division, New York State Militia," is hereby amended so as to read as follows:

§ 1. Linus W. Stevens, Morgan L. Smith, John M. Catlin, Washington R. Vermilye, and such other persons as now are associated as the Veterans of the National Guard, or may hereafter become associated with them, are hereby constituted a body corporate by the name of "The Veterans of the Seventh Regiment."

Corpora-
tors.

Corporate
name.

§ 2. This act shall take effect immediately.

CHAP. 315.

AN ACT to secure the payment of laborers, mechanics, merchants, traders and persons furnishing materials toward the performing of any public work in the cities of the state of New York.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract made between any person or persons, and any incorporated city in the state of New York, perform any labor or furnish any material toward the performance or completion of any contract made with said city, on complying with the second section of this act, shall have a lien for the value of such labor or materials or either, upon the moneys in the control of the said city, due or to grow due under said contract with said city to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due on said contract, in favor of every person or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city is made, or the sub-contractors of said person or persons, their assigns or legal representatives, provided that no city shall be required to pay a greater amount than the contract price or value of the work and the materials furnished, when no specific contract is made in the performance of said work by the contractor.

Lien for
work or
materials
under
municipal
contracts.

Notice of claims.	§ 2. At any time before the whole work to be performed by the contractor for the city is completed or accepted by the city, and within thirty days after the same is so completed or accepted, any claimant may file with the head of the department or bureau having charge of said work, and with the financial officer of said city, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the work was done or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said contract with said city, but no variance as to the name of the contractor shall affect the validity of the said claim or lien.
Statement.	
Liens to be entered.	§ 3. The financial officers of said city shall enter the claims in a book kept for that purpose by him, called the "lien book." Such entry shall contain the name and residence of claimant, the name of the contractor, the amount and date of the filing and a brief designation of the contract upon which the claim is made.
Action to foreclose lien.	§ 4. No lien provided for in this act shall be binding upon the property therein described, unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of the city.
When lien attaches.	§ 5. The lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due or to grow due to the said contractor from said city, under the contract against which the lien is filed.
Enforcing claim.	§ 6. Any claimant who has filed the notice mentioned in the second section of this act, may enforce his claim against the said fund therein designated and against the person or persons liable for the debt by a civil action. Actions to determine or terminate said liens may be commenced by the contractor or said city in any court of competent jurisdiction.
Jurisdiction.	
Parties.	§ 7. The plaintiff must make all parties who have filed claims the contractor, and the said city, parties defendant, and as to all parties against whom no personal claim is made, the plaintiff may, with the summons, serve a notice stating briefly the object of action, and that no personal claim is made. But all parties who have filed claims under this act may, by answer in such action, set forth the same, and the court in which the action is brought, may decide as to the extent, justice and priority of the claims of all parties to the action.
Priority of claims.	
Judgment in action to foreclose.	§ 8. The court in which the action is brought shall determine the validity of the lien, the amount due from the debtor to the contractor under his contract, and from the contractor to the respective claimants, and shall render judgment, directing that the said city shall pay over to the claimants, for work done and materials furnished in the execution of the said contract or contracts, whose claims or liens it shall hold to be valid and just, in the order of their priority as determined by said court to the extent of the sum found due to said claimants from their contractor, so much of said funds or money which may be due from the said city to the contractor, under his contract, against which the lien is filed, as will satisfy their liens or claims, with interest and costs, to the extent of the amount due from said city to said contractor. The judgments rendered under this act may be enforced by
Execution.	

execution, and an appeal may be taken therefrom in the same time and manner as in civil actions.

§ 9. In case of successive liens, or a number of liens, in favor of different persons, their rights and priorities shall be determined as follows: Persons standing in equal degrees as co-laborers, or various persons furnishing materials shall have priority according to the date of the filing of their liens. When several lien notices are filed for the same demand, the judgment shall provide for the proper payments according to priority, so that, under liens filed, double payments shall not be required: Successive liens.

§ 10. When separate actions are commenced, the court in which the first action was brought may, upon the application of the said city, consolidate them. Consolidating action.

§ 11. Costs in all actions shall rest in the discretion of the court, and shall be awarded to or against the plaintiff or defendants, or any or either of them, as may be just. Costs.

§ 12. Nothing contained in this act shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover such debt against the person liable therefor. Personal actions.

§ 13. The lien may be discharged as follows: First. By filing a certificate of the claimant, or his successor in interest, duly acknowledged and proved, stating that the lien is discharged. Second. By lapse of time when ninety days have elapsed since the filing of the claim, and no action shall have been commenced to enforce the claim. Third. By satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims. Discharging lien.

§ 14. The term "contractor," as used in this act, shall be construed as meaning the person with whom the contract with the said city is made, his assigns or legal representatives. Definition.

§ 15. This act shall take effect immediately; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities prior to its passage. All acts and parts of acts inconsistent with the terms of this act are hereby repealed. When act to take effect.
Repeal.

CHAP. 316.

AN ACT to amend chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the act passed April eleventh, eighteen hundred and sixty, chapter two hundred and sixty-nine, entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" " passed February seventeenth, eighteen hundred and forty-eight.

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of chapter two hundred and forty-eight of the laws of eighteen hundred and sixty-seven, entitled, "An act to amend the act passed April eleventh, eighteen hundred and

sixty, chapter two hundred and sixty-nine, entitled "An act to amend the act entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" passed February seventeenth, eighteen hundred and forty-eight, is hereby amended so as to read as follows :

Trustees,
number
of, how
increased
or re-
duced.

§ 2. The number of trustees in any corporation, organized before, or since, the eleventh day of April, eighteen hundred and sixty, or which shall hereafter be organized under the said act, may be increased to not more than thirteen, or may be reduced to not less than three, as follows: The existing trustees of any such corporation, or a majority of them, shall make and sign a certificate, declaring how many trustees the corporation shall have in the future management of its business, and, in case the number of trustees be increased, stating the names of the new, or additional trustees, and, in case the number of trustees be reduced, stating the number to which the trustees shall be reduced; which certificate shall be acknowledged by the trustees signing the same, or proved by a subscribing witness, and shall be filed in the office of the clerk of the county where the original certificate of incorporation was filed, and a duplicate or transcript thereof, duly certified under the official seal of such clerk, filed in the office of the secretary of state; and, in the case of an increase of the number of trustees, from and after the filing of such certificate and duplicate or transcript, the trustees of such corporation shall be deemed increased to the number therein stated, and the persons so named in such certificate shall be trustees until a new election of trustees shall be had, according to the said act, and the by-laws or regulations of such corporation. And in the case of the reducing of the number of trustees, the number stated in such certificate as the number of trustees which shall manage the business of such corporation, shall be deemed the number of trustees of such corporation to be elected, according to said act, and the by-laws and regulations of such corporation, at the next election and thereafter, after the filing of such certificate and duplicate or transcript; and in case a vacancy or vacancies shall occur in the board of trustees of such corporation, by resignation or otherwise, after the filing of such certificate and duplicate or transcript reducing the number of trustees, before the next election of trustees after such filing, no election shall be had in the meantime to fill such vacancy or vacancies while the number of trustees remaining shall equal or exceed the number to which the trustees are reduced in such certificate.

§ 2. This act shall take effect immediately.

CHAP. 317.

AN ACT to amend chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the bonded indebtedness of villages, cities, towns and counties."

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter seventy-five of the laws of eighteen hundred and seventy-eight, entitled "An act in relation to the

bonded indebtedness of villages, cities, towns and counties," is hereby amended so as to read as follows :

§ 1. The present bonded indebtedness of any village, city, town or county, may be paid up or retired by the issuance of bonds of the same amount by the respective officers or boards who were authorized to issue such outstanding bonds, provided, however, that such new bonds shall only be issued, when the existing bonds can be retired or paid by the substitution of new bonds or by money realized thereon, in the place and stead of existing bonds, bearing a lower rate of interest than the bonds so authorized to be retired or paid. All bonds taken up by new bonds, or paid under the provisions of this act, shall be immediately canceled and destroyed ; and a certificate shall be made and filed in the county clerk's office of the bonds destroyed and also of the new bonds issued. This act shall not be so construed as to authorize the issue of new bonds to supersede or pay existing bonds which have been adjudged invalid, by the final judgment of a competent court ; and the officers and boards referred to in this act shall include the successors in office of those who originally issued the outstanding bonds.

Bonds,
how paid
or retired.

Cancellation
of
bonds.

Construction.

§ 2. Section two of said chapter seventy-five is hereby amended so as to read as follows :

§ 2. In case any holder of any such existing bonds shall be willing to surrender bonds of any village, city, town or county, and accept in their place and stead new bonds at a lower rate of interest, exchanging said existing bonds for such new bonds at the par value of each, then the said officers or boards of any such village, city, town or county, prescribed in the first section of this act, may, in their discretion, make such exchange by the retiring of such existing bonds and the substitution therefor of such new bonds, and may extend the date of the payment of such substituted bonds for a period not exceeding thirty years beyond the time when the principal of such existing bonds so surrendered would have become payable.

Exchange
of existing
bonds for
new
bonds.

Date of
payment.

§ 3. Section three of said chapter seventy-five is hereby amended so as to read as follows :

§ 3. Whenever any bonds of any village, city, town or county, shall become due and payable, or in anticipation thereof, the said officers or boards may, in their discretion, cause to be issued in proper form new bonds having not more than thirty years to run, provided, however, such new bonds shall be sold at public auction after due notice, as now required by law in the case of the sale of mortgaged real estate under a decree of foreclosure in the supreme court, and the terms of such sale of said bonds shall be that to the person bidding the highest sum, not less than par, and offering to accept the lowest rate of interest for the whole or any part of said bonds, the said bonds in whole or in part shall be issued, and further provided, that in no case shall new bonds be sold except at a lower rate of interest than that borne by the bonds then due and payable ; such new bonds shall bear date and draw interest from the date of the payment of the bonds then due.

New
bonds.

Sale of.

Date of
bonds.

§ 4. This act shall take effect immediately.

CHAP. 318.

AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors."

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivision five of section three of chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors," is hereby amended so as to read as follows:

**Affidavit
to in-
ventory.
When
assignee to
make in-
ventory.**

5. An affidavit made by such debtor, that the same is in all respects just and true. But in case such debtor shall omit, neglect or refuse to make and deliver such inventory or schedule within the twenty days required, the assignee named in such assignment shall, within thirty days after the date thereof, cause to be made, and delivered to the county judge of the county where such assignment is recorded, such inventory or schedule as above required, in so far as he can; and for such purpose said county judge shall, at any time, upon the application of such assignee, compel by order such delinquent debtor, and any other person to appear before him and disclose, upon oath, any knowledge or information he may possess, necessary to the proper making of such inventory or schedule. The assignee shall verify the inventory and schedule so made by him, to the effect that the same is in all respects just and true to the best of his knowledge and belief.

**Assignee
to verify
inventory.**

**Extension
of time.**

**Failure of
assignee
to make
inventory.**

But in case the said assignee shall be unable to make and file such inventory or schedule, within said thirty days, the county judge may, upon application upon oath, showing such inability, allow him such further time as shall be necessary, not exceeding sixty days. If the assignee fail to make and file such inventory or schedule within said thirty days or such further time as may be allowed, the county judge shall require, by order, the assignee forthwith to appear before him, and show cause why he should not be removed. Any person interested in the trust estate may apply for such order and demand such removal. The books and papers of such delinquent debtor shall at all times be subject to the inspection and examination of any creditor. The county judge is authorized by order to require such debtor or assignee to allow such inspection or examination. Disobedience to such order is hereby declared to be a contempt, and obedience to such order may be enforced by attachment. The inventory or schedule shall be filed by said county judge in the office of the clerk of said county in which said assignment is recorded.

**Inspection
of books
and
papers.**

**Filing
inventory.**

§ 2. Section six of said act is hereby amended so as to read as follows:

**Removal
of as-
signee.**

§ 6. The county judge shall, in the case provided in section three, and may also, at any time, on the petition of one or more creditors, showing misconduct or incompetency of the assignee, or on petition of the assignee himself, showing sufficient reason therefor, and after due notice of not less than five days to the assignor, assignee, surety

and such other person as such judge may prescribe, remove or discharge the assignee, and appoint one or more in his place, and order an accounting of the assignee so removed or discharged, and may enjoin such assignee from interfering with the assignor's estate, and make provision by order for the safe custody of the same, and enforce obedience to such injunction and orders by attachment; and, upon his discharge upon his own application, such assignee's bond shall be canceled and discharged. The new assignee shall give a bond, to be approved as above required. The county judge shall have power, by order, to require or allow any inventory or schedule filed to be corrected or amended, and also to require and compel, from time to time, supplemental inventories or schedules to be made and filed within such time as he shall prescribe, and to enforce obedience to such orders by attachment.

New assignee.
Correcting inventory.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

§ 11. A citation may be issued to all parties, interested in the estate assigned, as creditors or otherwise, requiring them to appear in court on some day therein to be specified, and to show cause why a settlement of the account of proceedings of the assignee should not be had, and if no cause be shown, to attend the settlement of such account. The county court must issue all citations mentioned in this act which must be returnable in court. It may issue a citation on the petition of an assignee, at any time after the assignment or on petition of a creditor, or an assignee's surety, or an assignor, at any time after the lapse of one year from the date of such assignment, or where an assignee has been removed and ordered to account as hereinbefore provided.

Accounting.

§ 4. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. A citation to all persons interested must be served on all parties other than the petitioner who are interested in the fund, including assignors, assignees and their sureties, except that if the time limited by due advertisement for presentation of claims has expired before the issue of the citation, creditors who have not duly presented their claims need not be served. In case the creditors of such assignor, who have proved their claims, exceed twenty-five in number, then the county judge, upon proof by affidavit that such creditors exceed such number, may by order direct such citation to be served on each creditor who has proved his claim, by depositing a copy of the same, at least thirty days prior to the return day thereof, in the post-office at the place where the assignee or assignees, or either of them, reside, duly inclosed and directed to each of such creditors, at his last known post-office address, with the postage prepaid; and by publishing such citation once a week for at least four weeks prior to such return day in one or more newspapers, to be designated by such county judge as most likely to give notice to such creditors.

Service of citation.

§ 5. Section twenty of said act is hereby amended in the following respects: The first paragraph so as to read as follows:

§ 20. On a proceeding for an accounting under this act, the county court shall have power.

Subdivision six of said section is hereby amended so as to read as follows:

6. On proof of a composition between the assignor and his creditors, to discharge the assignee and his sureties from all further

Composition.

liability to the compounding creditors appearing or duly cited, and to authorize the assignee to release the assets to the assignor; provided, however, that if there be any creditors not assenting to the composition, the court shall determine what proportion of the fund shall be paid to or reserved for creditors not assenting, which shall not be less than the sum or share to which they would be entitled if no composition had been made, and may decree distribution accordingly.

§ 6. Section twenty-two of said act is hereby amended so as to read as follows:

Effect of
orders and
decrees.

Clerk to
keep as-
signment
book.

§ 22. All orders or decrees in proceedings under this act shall have the same force and effect, and may be entered, docketed and enforced and appealed from, the same as if made in an original action brought in the county court. And all proceedings under this act shall be deemed to be had in court. The said court shall always be open for proceedings under this act. The county judge, when named in this act, shall, in such proceedings, be deemed to be acting as the court. The clerk of the court shall keep a separate book, in which shall be entered each case, the date and place of record of the assignment, and a minute of all proceedings therein, under this act, with such particularity as the court shall direct by general order. He shall record therein at length the orders and decrees of the court, settling, rejecting or adjusting claims, and directing the payment of money, or releasing assets by the assignee, and removing or discharging the assignee and his sureties, and such other orders as the court shall direct by general order. The said clerk shall securely keep the papers in each case in a file by themselves, and shall be entitled to a fee of one dollar for filing all the papers in each case, and entering the proceedings in the minute book, and fifty cents, to be paid by the assignee, unless otherwise directed, for recording each order or decree required by this act or the general order of the court.

§ 7. Section twenty-six of said act is hereby amended so as to read as follows:

Trial.

Fees and
costs.

Commis-
sion of
assignee.

§ 26. The court, in its discretion, may order a trial by jury or before a referee, of any disputed claim or matter arising under the provisions of this act, or the acts hereby amended. It may in its discretion award reasonable counsel fees and costs, determine which party shall pay the same, and make all necessary rules to govern the practice under this act. The assignee or assignees named in any assignment shall receive for his or their services a commission of five per centum on the whole sum which will have come into his or their hands.

CHAP. 319.

AN ACT to extend the time for the completion of the New York and Albany railroad.

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The New York and Albany Railroad Company shall have five years in addition to the time they now have by law, for complying with the requirements of the forty-seventh section of "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty.

CHAP. 320.

AN ACT authorizing the adult male Seneca Indians, residing upon the Cornplanter reservation, to vote and hold office under the consitution * of the Seneca nation of Indians.

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The male Seneca Indians of the age of twenty-one years and upwards, residing upon the Cornplanter reservation in the New York Indian agency, shall have the right to vote at any annual or special election of officers of the Seneca nation of Indians, and to hold office under the constitution of said Seneca nation, the same as if actually residing upon the Allegany reservation.

§ 2. This act shall take effect immediately.

CHAP. 321.

AN ACT to amend chapter one hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate 'The Musical Mutual Protective Union.'"

PASSED May 22, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter one hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate "The Musical Mutual Protective Union," is hereby amended by adding thereto, at the end of said section, as follows, viz.: "And the establishment of a uniform rate of prices to be charged by members of said society, and the enforcement of good faith and fair dealing between its members. It shall be lawful for said society, from time to time, to fix and prescribe uniform rates of prices to be charged by members of said society for their professional services, and for that purpose, from time to time, to make and adopt such by-laws as it may approve. And any member of said society violating any such by-law may be expelled from said society (after being afforded an opportunity to be heard in his defense) in such manner as said society may, from time to time, prescribe by by-laws, which it is hereby authorized to make. Any member of said society who may be employed as a leader of an orchestra or band of musicians, and collect and receive any money on account or for the services of any musician being a member of such orchestra or band, and who refuses, upon due request, to pay to any such member of said orchestra or band the sum, or any part thereof, so collected or received to which any such member of said orchestra or band may be entitled, may be expelled from said society (after being afforded an opportunity to be heard in his defense) in such manner as said society may, from time to time, prescribe, and said society is hereby authorized, from time to time, to make and adopt such by-laws

Objects of corporation.

Rates of prices for services.

Expulsion.

Expulsion of members employed as leaders.

By-laws.

* So in the original.

Power of
directors
to expel
members.

as it may approve to carry the said provisions of this section into full force and effect. Said society may, by resolution or by-law, delegate to the board of directors the power to expel members of said society in the like manner and with the like effect as if such expulsion were made by the members of said society, and in the like cases in which said society might make such expulsion. The provisions of this act are to be deemed incorporated into the act hereby amended, in the like manner and with the like effect as if the same had originally been contained in said act."

§ 2. This act shall take effect immediately.

CHAP. 322.

AN ACT to enable Charles Lanel and his successors to take and hold real estate in the state of New York as trustee, and to sell and convey the same within a limited period, notwithstanding his alienage.

PASSED May 22, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

May hold
and con-
vey real
estate.

Real es-
tate to be
sold with-
in ten
years, etc.

Appoint-
ment of
trustees in
event of
death.

SECTION 1. It shall be lawful for Charles Lanel, the liquidator of the late firm of J. Lahens & Company, to take and hold any real estate in the state of New York, in which said late firm, or any person for their benefit, ever had any interest or lien by way of security or otherwise ; and to sell and convey the same, notwithstanding any disability of alienage of said Lanel ; but all such real estate shall be sold and conveyed by him within ten years from the passage of this act, and the proceeds thereof shall be accounted for by him to the several parties interested in the liquidation of said late firm, according to their respective rights therein. In the event of his death before said trust shall be closed, the parties in interest may under their hands and seals appoint a trustee or trustees in his place, under this act, and in default thereof, the appointment of such trustee or trustees shall devolve upon the supreme court.

§ 2. This act shall take effect immediately.

CHAP. 323.

AN ACT to amend chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six, entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled 'An act relating to courts, officers of justice and civil proceedings.' "

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision third of section five of chapter four hundred and forty-nine of the laws of eighteen hundred and seventy-six,

entitled "An act explaining, defining and regulating the effect and application of, and otherwise relating to, the act passed at this session of the legislature, entitled 'An act relating to courts, officers of justice and civil proceedings,'" is hereby amended so as to read as follows:

3. In chapter fifth, sections four hundred and fifty, four hundred and fifty-four, four hundred and fifty-five, four hundred and fifty-eight to four hundred and sixty-eight, both inclusive, apply to an action commenced in any court of the state, on or after the first day of September, eighteen hundred and seventy-seven. Including provisions as to poor parties.

§ 2. This act shall take effect immediately.

CHAP. 324.

AN ACT to amend chapter six hundred and eighty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled 'An act in relation to wills,'" passed April twenty-third, eighteen hundred and sixty-four.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of chapter six hundred and eighty of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act entitled an act in relation to wills," passed April twenty-third, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 1. When any real estate, situate in this state, has been or shall hereafter be devised by any person residing out of this state and within any other state or territory of the United States, and the last will and testament of such person shall have been finally admitted to probate in such other state or territory, and filed or recorded in the office or court where the same shall have been admitted to probate, an exemplified copy of said last will and testament, or of such record thereof, and of the proofs, if any proofs are on file or recorded in said office or court, which fact shall be certified by the probate court or clerk thereof, in which said will is recorded, may be recorded in the office of the surrogate of any county in this state where any real estate so devised is situated, which record in said surrogate's office, or an exemplified * copy thereof, shall be, in cases when the original cannot be produced, presumptive evidence of said will, and of the due execution thereof, in all actions or proceedings relating to the lands so devised. Record of probate of wills in other state evidence.

§ 2. This act shall take effect immediately.

* So in the original.

CHAP. 325.

AN ACT to amend article three, title four, chapter two of part four of the Revised Statutes, entitled "Of the removal of indictments before trial or judgment.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventy-six of article three of title four of chapter two of part four of the Revised Statutes, is hereby amended so as to read as follows :

To what
officer to
apply.

§ 76. Every person against whom an indictment shall be pending in any court of sessions may apply to any justice of the supreme court for an order to remove such indictment to the court of oyer and terminer of the county in which the same was found, upon serving notice of such application, together with copies of the papers upon which the same is made, upon the district attorney of the county in which such indictment was found at least ten days before making such application.

§ 2. Section seventy-eight of said article is hereby amended so as to read as follows :

When
order to
be
granted.

§ 78. The officer to whom such application is made may grant an order that such indictment be removed to, and that the defendant therein be tried at, the next court of oyer and terminer to be held in the county where such indictment was found, in case it shall appear that the application therefor was made in due season, and that such removal will produce no injurious delay and will not in any way tend to prevent a due prosecution of such indictment, but such order shall not be effectual unless notice of application for the same be given to the district attorney of such county as provided in section seventy-six.

CHAP. 326.

AN ACT declaring both branches of the Oswegatchie river, in the towns of Croghan and Diana, Lewis county, public highways.

PASSED May 22, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Parts of
Oswegatchie
river
a public
highway.

SECTION 1. Both branches of the Oswegatchie river, running through the towns of Croghan and Diana, in the county of Lewis, from their sources to their point of junction in said town of Diana, are hereby declared and made public highways for the purpose of floating timber and logs thereon.

Dams, how
erected.

§ 2. No dam shall be hereafter erected on said branches of said river aforesaid without a sluice of not less than six feet nor more than ten feet in width, with one or more gates so located as to easily pass logs and timber.

§ 3. No boom shall be hereafter erected on either of said branches of said river aforesaid without a passage or water-way at least ten feet in width, and said water-way may be closed, except when necessary to be open for the purpose of floating logs and timber.

Booms,
how
erected.

§ 4. Any person willfully obstructing said branches of said river aforesaid by booms or otherwise, so as to prevent the passage of logs and timber, shall be liable to a penalty of twenty-five dollars for each day of such obstruction, to be sued for and collected by any person aggrieved thereby.

Penalty
for will-
fully ob-
structing
river.

§ 5. Persons desirous of floating logs or timber down said branches of said river may construct a sufficient sluice and shute or apron in any dam across said branches, and may reconstruct any booms already constructed in, over, or across said stream in such manner as to allow logs and timber to pass by the same, or may construct temporary booms to secure the logs of other persons, doing no unnecessary damage to the owner or occupant. Such person shall pay to such owner or occupant such damages as he or they may sustain by reason of the alteration of such dam or boom in constructing temporary booms, to be ascertained by three commissioners to be appointed by the county court of the county in which such dams or booms are situated, on the application of either party, and written notice of ten days to the other party, unless the parties agree. And said county court shall always be open for such application.

Shutes or
aprons
may be
con-
structed
in any
dam, etc.

Damages.

How as-
certained.

§ 6. The damages sustained by the riparian owners on said branches of said river shall be assessed by three commissioners to be appointed by the supreme court. The report of said commissioners to be filed in said county court. The commissioners to receive three dollars per day, to be paid by the person or persons making application for such commission.

Damages
of riparian
owners,
how as-
sessed.

§ 7. The occupant of any land on said branches of said river may apply to the supreme court for the appointment of three commissioners. Ten days' written notice of such application shall be given by the applicant to the other owners or occupants of lands on said branches of said river, by serving the same personally or leaving the same at the residence of such owner or occupant.

Occupants
may apply
for commis-
sioners.

§ 8. The said commissioners shall take the constitutional oath of office, give at least ten days' notice of the time and place of such assessment of damages to such owners or occupants, shall view the premises and hear any proof and allegations offered by any of the owners of any of the land over and above which said branches of said river flow, and shall make their appraisal in writing, and certify their fees and charges, and deliver such appraisal in the Lewis county clerk's office. Said clerk shall lay the same before the board of supervisors of Lewis county. The board of supervisors aforesaid shall cause the said damages, together with the fees and charges of said commissioners, to be levied and collected as other county charges are raised, and the money, when collected, shall be paid to the county treasurer, who shall pay said commissioners and owners.

Commis-
sioners'
duties.

Damages
to be
levied, col-
lected and
paid.

§ 9. Said commissioners shall receive the sum of three dollars per day for the time employed by them.

Pay of
commis-
sioners.

§ 10. Any riparian owner aforesaid may release to the people of this state all claims for damage provided under this act. Such release shall be filed in the Lewis county clerk's office by the said owner, or any commissioners appointed under this act to whom such notice may be given.

Release of
damages.

§ 11. This act shall take effect immediately.

CHAP. 327.

AN ACT to provide for the adjustment and payment of unpaid taxes due the county of Westchester by the towns of West Farms, Morrisania and Kingsbridge, lately annexed to the city and county of New York.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Adjust-
ment of
unpaid
taxes.

SECTION 1. The comptroller of the city and county of New York and the treasurer of the county of Westchester are hereby authorized to adjust and determine the amount due to the county of Westchester for taxes for the year eighteen hundred and seventy-three remaining unpaid, and levied on the late towns of Morrisania, West Farms and Kingsbridge, now annexed to and forming a part of the city of New York.

Payment.

§ 2. Upon the amount of unpaid taxes due as aforesaid being adjusted and determined as provided, the board of estimate and apportionment of said city is authorized to include such amount in the next annual estimate of expenses of the city of New York, to be raised by tax and paid by the said comptroller to the said treasurer of the county of Westchester.

§ 3. This act shall take effect immediately.

CHAP. 328.

AN ACT to authorize the board of supervisors of the county of Broome to issue bonds for the purpose of raising money to pay the indebtedness of the county, to the state of New York.

PASSED May 22, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
supervis-
ors may
issue
bonds.

When
payable,
etc.

Purpose.

SECTION 1. The board of supervisors of the county of Broome at its annual session, in the year one thousand eight hundred and seventy-eight, or at any subsequent session, is authorized and empowered to provide for issuing bonds of the county, in denominations of one, two, three, four and five hundred dollars each, payable at such intervals as the board may fix, not exceeding fifteen years from the issuing of the bonds, and bearing a rate of interest not exceeding six per centum per annum, payable annually, for the purpose of raising the sum of forty-five thousand dollars, the amount of the indebtedness of the county of Broome to the state of New York, for money loaned to build the court house, county jail and other county buildings within the county of Broome.

Bonds,
form,
manner of
executing,
etc.

§ 2. The board of supervisors of the county of Broome is hereby authorized to prescribe the form of the bond issued, and the manner of executing the same and provide for the sale of the bonds at not less

than their par value, and receiving the money for which they are sold by the county treasurer and for the payment of the bonds as they shall become due, and to raise the money for that purpose in the same manner that other taxes are levied and raised by boards of supervisors of counties.

§ 3. The county treasurer of Broome county is authorized and directed to pay the money received from the sale of bonds issued and sold as above provided, to the treasurer of the state of New York, and the treasurer and comptroller, on such payment being made, shall cancel said indebtedness. Payment to treasurer of state, etc.

§ 4. This act shall take effect immediately.

CHAP. 329.

AN ACT to amend chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Manhattan Mortgage Company."

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Manhattan Mortgage Company," is hereby amended so as to read as follows:

§ 10. No loan shall be made by the company on mortgage of real estate to more than one-half the estimated value thereof, such estimate to be made by three disinterested competent assessors, a committee of three directors, and verified by them as correct to the best of their judgment. No loan shall be made to any director or officer of the company, nor shall any loan or advance of money be made at a rate of interest exceeding the legal rate in the state in which the land on which said loan or advance is made is situated. Loans.

§ 2. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The capital stock of said company may be reduced to an amount not less than two hundred thousand dollars, by vote of a majority of the corporators or directors. Notice of the time and place of subscription to any stock not already subscribed for, or to any increase of stock as authorized in section three, shall be given at least one week before such time, in at least two daily newspapers published in said city of New York. Reduction of capital stock.
Notice of subscription to stock.

§ 3. This act shall take effect immediately.

CHAP. 330.

AN ACT to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy five, entitled **An act to incorporate the Western Railroad Company.**

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act to amend chapter two hundred and sixty-eight of the laws of eighteen hundred and seventy-five, entitled an act to incorporate the Western Railroad Company, is hereby amended so as to read as follows :

Capital stock.

When operations may be commenced.

§ 2. The capital stock of said corporation shall be fixed by the directors at a sum not less than one million of dollars, with liberty to increase the same at any time to a sum not exceeding twenty millions of dollars; said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence operations when at least one hundred thousand dollars shall have been subscribed and ten per cent paid. The directors may appoint three of their number as commissioners to receive subscriptions for said capital stock, at such time and place, and under such rules and regulations as they shall prescribe.

§ 2. Section four of said act is hereby amended so as to read as follows:

**President and other officers.
By-laws.**

§ 4. The directors shall appoint one of their number to be president, and may appoint such other officers and agents as they shall deem necessary, and they may make and establish such by-laws, rules and regulations not inconsistent with the laws of this state or of the United States, as they think proper and expedient, touching the disposition and management of the property, estate and effects of said corporation, the transfer of shares, the duty and conduct of their officers and servants, the election and meeting of the directors, and all matters whatsoever which appertain to the concerns of the said corporation. When any vacancy shall happen in the board of directors, it may be filled by the remaining directors, and they may remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices.

Vacancies, how filled.

§ 3. This act shall take effect immediately.

CHAP. 331.

AN ACT to amend chapter three hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to authorize any town in the counties of Columbia or Rensselaer to aid in the completion of the Lebanon Springs railroad."

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of chapter three hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act to authorize any town in the counties of Columbia or Rensselaer to aid in the completion of the Lebanon Springs railroad," is hereby amended so as to read as follows :

§ 5. It shall also be lawful for the said railroad company to agree with the said commissioner or commissioners in behalf of any town subscribing or purchasing the bonds of said company under this act, to pay the annual interest accruing on the bonds issued by said town for the term of five years, or until the said railroad shall be completed and in operation. The amount of such interest to be repaid by the said commissioner or commissioners to the company within five years next after the said road shall have been opened and put in operation in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said town bonds, or by a sale of the said railroad bonds as hereinbefore provided, in case the interest or income from said railroad securities held by such town shall be insufficient for that purpose. After the first of May, eighteen hundred and seventy-eight, if the earnings thereof shall not be sufficient to pay the necessary operating expenses of the road, and to keep the road bed and superstructure in safe and proper condition for the business of the corporation, and the president and treasurer of the company shall show such facts by their affidavits to be furnished to the assessors of the town through which such road shall be constructed and operated before the first day of July of every year in which such deficiency may exist, but not to exceed in all five years from the passage of this act, it shall not be lawful for such assessors to assess the real estate or right of way held by said company at a greater or higher rate than five hundred dollars per mile for every mile in length of the road located in such towns.

Railroad company may agree to pay interest.

Repayment of interest.

Assessment of real estate.

§ 2. This act shall take effect immediately.

CHAP. 332.

AN ACT to reduce the number of managers of the Charity Foundation of the Protestant Episcopal church in the city of Buffalo.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Reduction
of num-
ber of
managers.

SECTION 1. The incorporation of the Charity Foundation of the Protestant Episcopal church in the city of Buffalo, a corporation formed under the general statutes of this state in relation to benevolent, charitable, scientific and missionary societies, is hereby amended so as to reduce the number of managers composing the board of managers of said society, from twenty-one, as fixed in the certificate of incorporation, to nine.

Act when
to take
effect.

§ 2. This act shall take effect at the next annual election of managers of said corporation, so that the board of managers then to be elected shall consist of nine members only.

CHAP. 333.

AN ACT to amend an act passed January eighteenth, eighteen hundred and thirty-two, entitled "An act to revise and amend the act entitled 'An act to authorize the building of a toll bridge over the Hudson river,' passed April second, eighteen hundred and twenty-five, and the act amendatory thereof, passed May second, eighteen hundred and twenty-nine."

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act passed January eighteenth, eighteen hundred and thirty-two, entitled "An act to revise and amend the act entitled 'An act to revise and amend the act entitled 'An act to authorize the building of a toll bridge over the Hudson river,' passed April second, eighteen hundred and twenty-five, and the act amendatory thereof, passed May second, eighteen hundred and twenty-nine," is hereby amended so as to read as follows:

Rates of
toll.

§ 2. The president and directors of the said company may demand and receive and take the following rates of toll for passing said bridge, namely: for every wagon, carriage or conveyance drawn by two horses, oxen, jacks or mules, thirteen cents, and for each additional horse, ox, jack or mule, six cents; for every wagon, carriage or conveyance drawn by one horse, ox, jack or mule, ten cents; for each foot passenger, three cents; for every horse, jack or mule with rider, five cents; for every horse, jack or mule, three cents; for every cow or other neat cattle, three cents, and for every score of sheep or swine, twenty cents.

§ 2. This act shall take effect immediately.

CHAP. 334.

AN ACT supplemental to chapter six hundred and eleven of the laws of eighteen hundred and seventy-five, entitled "An act to provide for the organization and regulation of certain business corporations."

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any corporation formed under chapter six hundred and eleven, laws of eighteen hundred and seventy-five, by either Patrons of Husbandry or Sovereigns of Industry, or jointly by both, to fix in their by-laws or constitution the following provisions, namely:

Patrons of Husbandry. Sovereigns of Industry.

First. The amount of each share, which shall not be less than five dollars.

Second. The number of shares that shall be held by each director which shall not be less than one full share.

Third. The basis of voting at all meetings of associations or directors thereof, giving at least one vote to each member having paid for one full share.

§ 2. This act shall take effect immediately.

CHAP. 335.

AN ACT to amend "An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district," passed June twenty-first, eighteen hundred and seventy-five.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the act entitled "An act relative to the construction of sewers in a certain district in the city of Brooklyn, and providing for laying an assessment for sewers in said district," passed June twenty-first, eighteen hundred and seventy-five, is hereby amended by adding at the end of said section the words following: But no assessments authorized hereby, or by the said act passed April thirtieth, eighteen hundred and seventy-two, except for main sewers, shall be chargeable upon, or shall be liens upon, any lands fronting upon and adjacent to streets and avenues in which it shall have been decided and determined by the board of city works of the city of Brooklyn that it is inexpedient and improper to build sewers under said act of April thirtieth, eighteen hundred and seventy-two, as provided in the first section of this act, and in which sewers have not, in fact, been built under said act; and if any assessments have been or shall be made or charged upon any lands contrary to the provisions

Assessments except for main sewers not chargeable, etc., upon certain lands.

Cancellation of assessments.

hereof, the same are erroneous and shall be without effect, and they shall be canceled and discharged of record by the collector of taxes and registrar of arrears of the city of Brooklyn, upon the request of any owner whose lands are affected thereby.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAP. 336.

AN ACT in relation to the assessment for the re-pavement of Atlantic avenue with granite pavement in the city of Brooklyn.

PASSED May 28, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Assess-
ment va-
cated.

Amount
to be in-
serted in
annual
taxes.

SECTION 1. The assessment heretofore laid for the re-pavement, with granite pavement, of Atlantic avenue, between Flatbush and Classon avenue, in the city of Brooklyn, is hereby vacated and set aside.

§ 2. The board of assessors of the city of Brooklyn shall forthwith ascertain and report to the board of estimate of said city the amount of the assessment mentioned in the preceding section, together with interest, and said board of estimate shall insert the same in equal proportion in the annual taxes upon said city of Brooklyn during the next ten years.

§ 3. This act shall take effect immediately.

CHAP. 337.

AN ACT to amend section one, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act regulating the amount of capital stock for fire and marine insurance companies."

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one, chapter two hundred and nine of the laws of eighteen hundred and seventy-seven, is hereby amended so as to read as follows:

Capital of
stock
com-
panies.

§ 1. No stock company shall be hereafter organized under the laws of this state, for the transaction of fire or marine insurance business, with a smaller capital than two hundred thousand dollars, the sum to be paid in in cash.

§ 2. This act shall take effect immediately.

CHAP. 338.

AN ACT to amend chapter four hundred and ninety-seven of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city."

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of title ten of chapter four hundred and ninety-seven, of the laws of eighteen hundred and seventy-four, entitled "An act to amend the charter of the city of Poughkeepsie, and to consolidate with it other acts relating to said city," is hereby amended so as to read as follows :

§ 2. The said commissioners shall meet on the first day of January in each year, unless the same shall be on Sunday, in which case they shall meet on the next day, and organize a board of education ; they shall elect one of their number to be president ; they may employ a clerk at a reasonable compensation, and a librarian, to have the charge of the public library, and may pay him a reasonable salary out of the school fund of the city. They shall have the charge and control of the public schools in the city of Poughkeepsie, and shall exercise the powers and discharge the duties in respect to said schools of trustees of school districts under the statutes of this state ; they shall also have charge and control of the district school library, which shall be hereafter known as the city library of Poughkeepsie, and may make all necessary and proper regulations concerning the same ; and they may appropriate for the benefit of said library, out of the moneys annually raised in said city by the school tax, an amount not exceeding five hundred dollars, in addition to the library money received from the state ; they shall have power and authority to examine and license persons to be employed by them as teachers in the public schools of the city, and any license granted by them may be revoked at the pleasure of the board ; they may employ all necessary agents, make all needful rules and regulations, and do all things, subject to the provisions of this act, requisite for the care, maintenance and protection of the public schools of the city.

Meeting to organize board of education. President, clerk and librarian. Powers and duties of board.

CHAP. 339.

AN ACT to authorize the commissioners for the erection of a city and county hall in the city of Buffalo and county of Erie to assign a portion of said building for the use of the coroners of said county.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners for the erection of the city and county hall in the city of Buffalo are hereby directed to designate and assign

Office for coroners.

a suitable room in said building as an office for the coroners of said county, but no inquest shall be held by either of said coroners within the said city and county hall.

Repeal.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 340.

AN ACT in relation to the repaving of streets in the city of Syracuse, and to amend the charter of said city.

PASSED May 23, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Repaving streets.

SECTION 1. Whenever the common council of the city of Syracuse shall deem it necessary to repair or macadamize any street or part of a street in said city which has been already paved with wood or stone, and shall by resolution declare that one-half the expense of repaving or macadamizing such street or part of a street should be paid by the city at large, said common council shall have power and is hereby authorized to repave or macadamize such street or part of a street, and to assess and collect one-half the expense of such improvement locally, in the same manner as one-half the cost of new pavement is now assessed and collected under the existing charter of said city, providing a majority of the owners of property fronting on the line of such street or part of a street shall in writing ask or consent that the same be repaved or macadamized ; and the balance of the expense of such improvement shall be paid by general taxation in the same manner as other general taxes are now collected in said city.

Repeal.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 341.

AN ACT authorizing a change of boundary between the park under the jurisdiction and control of the park commissioners of the city of Buffalo and the lands of the Buffalo city cemetery.

PASSED May 23, 1878 ; three-fifths being present.

Preamble.

WHEREAS, The park commissioners of the city of Buffalo and the Buffalo city cemetery have mutually consented and agreed that the boundary between the park lands subject to the control and jurisdiction of the said commissioners and the lands of said Buffalo city cemetery, shall be so changed that the same shall be a line drawn as follows, namely Beginning on the present boundary between the park and the cemetery, at the northeast angle of the lands of said cemetery, and running thence northerly and westerly along the line of a curve

of two thousand one hundred and forty-nine feet radius for a distance of two thousand two hundred and thirty-one feet to a point in the easterly line of Delaware street as now laid out, at the distance of four hundred and five feet southerly from the south face of the east bench wall of the stone arch over said street; which said above described line is laid down on a map of said proposed change of boundary made for said park commissioners and for said cemetery; and

WHEREAS, The lands on both sides of said line include that part of Chapin street running along the present boundary between the park lands and the lands of said cemetery, which part of said street the said park commissioners and the said Buffalo city cemetery have consented shall be closed; now, therefore,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of effecting the above mentioned change of boundary, the city of Buffalo is hereby authorized and empowered to grant and convey to the Buffalo city cemetery, in fee, all the lands lying south of the proposed boundary line above particularly described and embraced within the present boundary of the park, including all the interest of said city in the lands embraced in said part of said Chapin street. And the said Buffalo city cemetery is hereby authorized and empowered to grant and convey to the city of Buffalo, in fee, for the purposes of a public park, all the lands lying north of said boundary line, and embraced within the present boundary of the lands of said cemetery, including all the estate and interest of said cemetery in the lands embraced in said part of Chapin street. The lands hereby authorized to be conveyed by said Buffalo city cemetery shall, when conveyed, be held by the city of Buffalo in the same manner as lands taken for parks under the provisions of chapter one hundred and sixty-five of the laws of eighteen hundred and sixty-nine, and shall be subject to the possession, jurisdiction and control of the said park commissioners in the same manner as if the said lands had been taken for park purposes under the provisions of said chapter. The said part of said Chapin street, namely: that part thereof running along the present boundary between the said park lands and the lands of said cemetery shall, from the time of the delivery of the conveyances hereby authorized, be closed and discontinued.

Conveyances authorized.

Lands conveyed to city, how held, etc.

Portion of street closed.

§ 2. This act shall take effect immediately.

CHAP. 342.

AN ACT to create a board of park commissioners and to provide for the care, government, protection and improvement of the public park known as Ross Park, in the city of Binghamton.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within ten days after the passage of this act the mayor of the city of Binghamton shall appoint seven reputable citizens of said city to serve as park commissioners, who are hereby constituted a body

Park commissioners, appointment of, etc.

corporate, by the name of "the park commissioners of the city of Binghamton," and in that name they may sue and be sued, prosecute, complain and defend in any court.

Classifica-
of terms
of office.

§ 2. Within thirty days after the passage of this act the persons so appointed in pursuance of the first section thereof shall meet at the office of the city clerk of said city, and then and there determine by lot the order in which their term of office shall expire, and the determination so made shall be certified by said clerk to the common council of said city. If, for any reason, said commissioners fail to assemble and determine as aforesaid, the said common council shall, within twenty days thereafter, make such determination. The term of office of two of said commissioners shall expire on the first day of April, eighteen hundred and seventy-nine; that of two other of said commissioners on the first day of April, eighteen hundred and eighty; and that of the other three of said commissioners on the first day of April, eighteen hundred and eighty-one.

Annual
appoint-
ment of
commis-
sioners.

§ 3. The common council of the city of Binghamton, at the regular meeting thereof next preceding the first day of April, eighteen hundred and seventy-nine, and next preceding the first day of April in each succeeding year thereafter, shall appoint a number of park commissioners equal to the number whose term of office will expire on the first day of April in that year, and the term of office of the commissioners so appointed shall commence on the first day of April next after their appointment. The term of office of each commissioner so appointed shall be two years, and until his successor shall have been appointed and shall qualify. Any vacancies occurring by reason of death, resignation, removal from the city, expiration of term, or otherwise, shall be filled by appointment for the unexpired term by the commissioners remaining in office, which appointment, duly certified by the clerk of the board of park commissioners, shall be filed in the office of the city clerk.

Terms of
office.

Vacancies,
how filled.

Oath of
office.

Bond.

§ 4. Every commissioner, before entering upon the duties of his office, and within ten days after notice of his appointment, shall take and file with said city clerk the oath prescribed by the constitution of this state, and shall also enter into a bond to said city in such sum as shall be prescribed by the common council, and with one or more sufficient sureties to be approved by the mayor of said city, conditioned for the faithful performance of his duties as such commissioner, and file the same in the office of the city clerk.

Treasurer
and secre-
tary.

Treas-
urer's
bond.

§ 5. The board of park commissioners shall, from time to time, when necessary, appoint one of their number to the office of treasurer, and another of their number to the office of secretary, who shall be subject to removal by the board of commissioners, and who shall perform their respective duties without compensation. The treasurer, before he enters upon the duties of such office, shall enter into a bond to said city, in such sum as shall be prescribed by said common council, with one or more sufficient sureties, to be approved by the mayor of said city, conditioned that he will faithfully perform his duties as such treasurer, and render an account to said common council of his receipts and disbursements as such treasurer, from time to time, when required by said common council.

Business
quorum.

§ 6. A meeting of a majority of the board of commissioners shall be necessary for the transaction any business, except to adjourn, which may be done by any less number present.

§ 7. The public park in said city, known as Ross park, heretofore donated and conveyed to said city by Erastus Ross, and any other lands adjoining or adjacent thereto, which may hereafter be acquired by said city for park purposes, shall be under the care, control and management of the said park commissioners, who shall have authority, and it shall be their duty, to lay out, regulate, beautify and improve the same; determine the time of opening and closing it to public use each season; enforce all laws, ordinances and regulations for the government, management, care, protection and use of said park, and to expend, for the improvement thereof, all moneys which shall be appropriated for that purpose by the common council of said city, under and by virtue of the authority vested by law in said common council, or which shall be received by said commissioners, by gift or otherwise.

Parks to be under control of commissioners.

Their duties.

§ 8. No commissioner shall be interested, either directly or indirectly, in any contract relating to work to be done upon, or materials to be furnished for work to be done upon said park; nor shall he receive any compensation for any service rendered by him as such commissioner.

Not to be interested in contracts, etc. Compensation.

§ 9. No person shall sell or dispose of any strong or spirituous liquor, wine, ale or strong beer within the boundaries of said park, nor outside of said boundaries, within the distance of one-half a mile thereof. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment not more than three months, or by both such fine and imprisonment; and, in addition thereto, shall forfeit and pay a penalty of fifty dollars for each offense, to be sued for and recovered by and in the name of "The Park Commissioners of the City of Binghamton," and applied for the benefit and improvement of said Park.

Sale of liquors, etc.

Penalty.

How recovered.

§ 10. The police department of the city of Binghamton shall be held to extend over the territory of said park, and one or more policemen may, from time to time, be detailed, under the direction of the mayor, for duty within the bounds thereof; the assignment to that duty to be made by the chief of police.

Police.

§ 11. All penalties for the violation of any law, ordinance or regulation for the government, management, care, protection or use of said park, and all damages for any trespass upon or injury to the grounds of said park, or the trees, flowers, shrubbery or other things growing thereon, or to the buildings or other erections thereon, or to any property belonging to said city and kept for use thereon, shall be sued for and recovered by said commissioners, in their name of office, and applied for the benefit and improvement of said park.

Penalties, etc., how recovered and applied.

§ 12. Every person who shall violate any ordinance passed, or which may hereafter be passed, by said common council, for the government, management, protection or use of said park, shall incur a penalty of not exceeding fifty dollars, and shall be punished as shall be prescribed in such ordinance.

Penalty for violation of ordinances.

§ 13. This act shall take effect immediately.

CHAP. 343.

AN ACT to enable the park commissioners of the city of Buffalo to transfer to said city their jurisdiction and control over certain lands taken for a park and laid out by said commissioners as part of Delaware street.

PASSED May 23, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Transfer
of con-
trol, etc.,
author-
ized.

Convey-
ance, etc.,
how made.

Purpose.

When con-
trol, etc.,
to vest in
city.

When city
to cause
part of
street to
be sur-
veyed, etc.

SECTION 1. The park commissioners of the city of Buffalo may grant, convey and transfer to the city of Buffalo all the authority, jurisdiction, control and right of possession of the said park commissioners in, to and over so much of the land taken for a park in said city under the provisions of act, chapter one hundred and sixty-five of the laws of eighteen hundred and sixty-nine, as is embraced in that part of Delaware street laid out by said park commissioners, extending from a point on said Delaware street two thousand and seven feet northerly from the corner of said Delaware street and Delaware avenue to the north bounds of said park, as the said part of Delaware street is laid down on the park commissioners' map of said park. The grant, conveyance and transfer hereby authorized shall be by a deed or instrument executed under the hand and seal of the president of the board of said park commissioners, and shall be for the sole purpose of maintaining on the land embraced therein, a street or highway as laid out, as aforesaid, by said park commissioners.

§ 2. Upon the execution and delivery of the deed or instrument authorized by the foregoing section, all authority, jurisdiction, control and right of possession in, to and over the said land embraced therein shall vest in the city of Buffalo for the purpose of establishing and maintaining thereon, as a street or highway, the part of Delaware street so as aforesaid laid out by the said park commissioners; and upon acquiring from the Buffalo city cemetery its title to the land of said cemetery embraced in said part of Delaware street laid out by said park commissioners, the city of Buffalo shall cause such part of said street to be surveyed, described and recorded as a part of Delaware street, and shall have authority and jurisdiction over the same in the same manner and to the same extent as it now has over all other public streets in said city.

§ 3. This act shall take effect immediately.

CHAP. 344.

AN ACT to amend chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith."

PASSED May 23, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of chapter four hundred and four of the laws of eighteen hundred and seventy-seven, entitled "An act to

provide for the disposition and sale of certain lateral canals of this state, and the lands, rights and other property connected therewith," is hereby amended so as to read as follows:

§ 3. It shall be the duty of the canal commissioners or superintendent of public works, subject to the approval of the canal board, as soon as practicable after the passage of this act, except as hereinafter provided, to advertise for sale and to sell the following property belonging to this state; namely: the Crooked Lake canal, its appurtenances and the water privileges connected therewith, provided the hydraulic action and the natural flow of the outlet of said lake shall not be diverted or changed; any of the provisions of this bill to the contrary notwithstanding; also, immediately after the close of navigation, in the year eighteen hundred and seventy-eight, to advertise for sale and to sell that portion of the Chenango canal as described in section two of this act; also the Chemung canal and its feeders, branches, appurtenances and water privileges; and, after the close of navigation, in the year eighteen hundred and seventy-eight, the Genesee valley canal, its feeders, branches, appurtenances and water privileges. When the Chemung canal shall cease to be used as such, the water power, rights and privileges on the Chemung river, so far as they were taken and appropriated for the purposes of the canals, shall revert to the person or persons from whom they were taken or to their successors in interest, and in any sale of that canal, such rights shall be reserved; but no dam or any water privilege sold or conveyed by the state shall be of any greater height or of less width of spillway than the same was originally built by the state.

Canals to be advertised and sold.

Crooked lake.

Chenango. Chemung.

Genesee valley.

Water rights on Chemung river.

§ 2. Section four of said act is hereby amended so as to read as follows:

§ 4. It shall be the duty of the superintendent of public works to advertise any property, privileges or rights intended to be sold under this act, daily (except Sundays) for twelve weeks immediately prior to such sale, in the state paper at Albany, and in such other newspapers, if any, published on the line of the canals to be sold, not exceeding three, as said superintendent of public works may select, and to give in such advertisements a full and detailed description of the property to be sold, with the names of the owners of the adjoining lands, and streets in cities, and also to state therein the time and place of sale. Any sale so advertised may be postponed not longer than one month, when, in the judgment of the superintendent of public works, for lack of bidders or other cause, such postponement will be advantageous to the state. But where an option is given to purchase at an appraised valuation, as hereinafter provided, no advertisement for such sale for an appraised amount shall be necessary.

How to be advertised.

Postponement of sale.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. Such cities and villages shall have the right and option, for one month after written notice of such appraisal from the superintendent of public works, of taking and purchasing such portions of said canals, with their inlets and outlets, as may be so appraised for such purpose, at the appraised value thereof, upon the payment of one-fourth of the purchase price at the time of sale, and the balance thereof in six equal annual payments, with interest at six per centum per annum, to be secured by the bonds of the cities or villages purchasing, and any city or village desiring to make such purchase is hereby authorized to borrow money and issue its bonds for that pur-

When cities and villages to have option of purchasing.

Certificate of sale. **Failure to pay.** **Water privileges.** pose. The certificate of the superintendent of public works shall be given for the sale, but no deed shall be given therefor until the final payment of all the principal and interest due thereon, and a failure to pay the interest or any part thereof when due shall give the canal board the right to declare such sale null and void, and all moneys paid thereon shall in that event be forfeited to the state, and all rights in such lands, rights or privileges, shall revert to the state. The water privileges connected with such portions of the canals so to be appraised for sale to municipalities shall be included in such appraisals, and shall be sold with such portions of the canals, so that the ownership and control thereof may be invested in such municipalities.

§ 4. Section seven of said act is hereby amended so as to read as follows:

Option after cities and villages. § 7. In case the city or village entitled to such option shall not, within one month after notice of such appraisal as hereinbefore provided, purchase the property so appraised, then the person or persons who, at the time of such appraisal, are in the use and occupation or are entitled to have the use and occupation of such water privileges as may be so appraised; and in cases where it shall appear that the title of the state to such lands was acquired by grant or otherwise from the owner or owners, and without the payment of any consideration therefor, such owner or owners, their heirs and assigns, of the property adjoining and from which the same has been taken, shall have the first right and option of taking and purchasing the same at the appraised value thereof, and in case no appraisal is had, upon such conditions and terms of payment as shall be approved by the canal board.

§ 5. Section nine of said act is hereby amended so as to read as follows:

Sales to adjacent owners. § 9. All such portions of said canals and their branches and feeders so directed to be sold as pass through farming lands, and are not referred to in section five of this act except as hereinafter provided, shall be sold and conveyed by said superintendent of public works to the owners of the adjacent lands, the whole width thereof to the adjacent owner who is possessed of the fee on both sides thereof; and in cases where separate owners are in possession of the fee of the adjacent lands, then to the centre of the prism of the canal to the owners on each side, in consideration of and upon the condition precedent that such owners shall, in writing under their hands and seals, release the state from all obligation to maintain the bridges and other structures connected with such portions of the canals, and from all liability for damages arising from the abandonment thereof.

§ 6. Section twelve of said act is hereby amended so as to read as follows:

Proceeds. **Forms of conveyances.** **Fee.** § 12. The proceeds of all sales as aforesaid made shall be applied, first to the payment of the expenses incurred under this act, and the balance shall be paid into and become a part of the sinking fund, to pay the interest and redeem the principal of the canal debt as provided for in article seven, section three of the constitution of this state. All conveyances given for sales made under this act shall be in the name of the people of this state, and shall be executed by the governor and attested by the seal of the state, and countersigned by the secretary of state, and shall be recorded in the office of the secretary of state, in books of record to be provided and kept by said secretary for that purpose. A fee of one dollar and fifty cents shall be charged by the sec-

retary for such record and certificate thereof, to be paid by the purchaser.

§ 7. This act shall not affect any disposition of the lateral canals already made, except to complete and perfect the same, or which may hereafter be made by law, before any sale by which the use or fee of any of said canals may be otherwise disposed of. Not to affect sales already made.

§ 8. The superintendent of public works is hereby authorized to contract and settle on equitable terms with the commissioners of highways in towns and with the officers having the powers of commissioners of highways in villages and cities, respecting the disposition of farm bridges and highway or street bridges over said canals and respecting any compensation justly to be made on account of such disposition. Bridges.

§ 9. This act shall take effect immediately.

CHAP. 345.

AN ACT to repeal a part of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," so as to revive so much of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, entitled "An act relating to courts of record and other courts in the city and county of New York" as relates to clerks of district courts in the city of New York.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of subdivision forty-six of section one of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," as repeals that portion of chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-two, which relates to clerks and assistant clerks of the district courts of the city of New York, is hereby repealed, and so much of the last mentioned act as relates to the clerks and assistant clerks of the district courts of the city of New York, and the mode of appointment, tenure of office, powers, duties and salaries of such clerks and assistant clerks, is hereby revived so far as it has been heretofore repealed, and the clerks and assistant clerks who were such when such repealing act was passed are continued as though such act had never taken effect; and nothing in this act contained shall abridge or extend the terms of office for which the present clerks and assistant clerks were originally appointed. Repealing part of chap. 417, Laws 1877.

Part of act revived.

§ 2. This act shall take effect immediately.

CHAP. 346.**AN ACT relative to the collection of taxes and assessments in the city of Brooklyn.**

PASSED May 28, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Assess-
ments,
when to
be laid
and col-
lected.

When
lawful to
issue
bonds, etc.

Excess.

Deficiency.

Assess-
ments,
how gov-
erned.

Tax for
deficien-
cies.

Proviso.

SECTION 1. Hereafter, in the city of Brooklyn, before any bonds shall be issued, any money expended, or any contract made, for any grading or paving, regrading or repaving, sewerage, of any street or avenue, or for any local improvement whatsoever, except flagging or reflagging or fencing of vacant lots, and immediately after the prospective cost and expense thereof shall have been estimated, in the case of sewers by the board of city works, and in other cases by the common council, and the board of assessors shall have made their preliminary report thereon in the cases by law provided, the common council shall cause an assessment to be laid, by the board of city works in the case of sewers, and by the board of assessors in other cases, for the amount of such estimated cost and expense, in the case of each local improvement, upon the district laid out therefor ; and after confirming such assessment, shall proceed to cause the same to be collected ; and when two-thirds of the amount so assessed in any case shall have been collected and paid into the city treasury, but not before then, shall it be lawful to issue any bonds or expend any money, or make any contract, for any such local improvement. In case the amount so assessed in advance upon any local district shall, after the same shall have been wholly collected and paid into the city treasury, and after the improvement shall have been completed, exceed the amount of the actual cost and expense, including interest and assessors and collectors' fees, for which such amount shall have been levied, the common council shall cause the amount so in excess to be equitably distributed and paid back ; and, if the amount so assessed in advance shall in any case prove inadequate to meet the said cost and expenses of any such improvement, then, upon the discovery of any such deficiency, the common council shall cause the amount thereof to be assessed and collected upon and from the district of assessment in question. Every assessment hereby provided for shall, in all respects, so far as consistent herewith, be governed by the same laws and entitled to the same exemptions, and be of the same force and effect, as are the assessments now laid in the city of Brooklyn for the various local improvements provided for in the charter of the said city respectively. To provide for any present or future deficiencies in the assessment funds of the said city, there shall annually be raised by tax seventy thousand dollars, which shall form a part of the special fund. But nothing in this section contained shall prevent the issuing of bonds for, and the completion of any local improvement heretofore authorized by special act of the legislature ; nor shall the common council or board of health of said city be hereby deprived of any power which they possess under existing laws to abate nuisances and promote the public health. And no improvements shall be authorized under this section except upon the petition of the owners of a majority of the property to be assessed asking for such improvement.

§ 2. In the case of any assessment laid under the provisions of the preceding section of this act, the common council may, at any time before any contract shall be made for any local improvement aforesaid (but not after such time), cancel such assessment and any and all proceedings had relating thereto or to the improvement for which the same was laid; and in case of such cancellation, all moneys paid for or on account of such assessment, shall be refunded to the person or persons who shall have paid the same or to the legal representatives of such person or persons.

Cancellation of assessments.

§ 3. To all taxes, assessments and water-rates imposed before the eighth day of June, in the year eighteen hundred and seventy-seven, and now in force, there shall be added interest at the rate of seven per centum per annum from the time of imposing any such tax, assessment or water-rate up to and including the eighth day of June, in the year eighteen hundred and seventy-eight; and to all such taxes, assessments and water-rates which shall not be paid on or before the said eighth day of June, in the year eighteen hundred and seventy-eight, there shall, in addition to the interest aforesaid, be added three-fourths of one per centum for the said month of June, in the year eighteen hundred and seventy-eight, and three-fourths of one per centum for each and every succeeding month until the payment of such taxes, assessments and water-rates respectively. Such interest and percentage shall be in lieu of all other interest, penalty or default upon the taxes, assessments and water-rates aforesaid. But the provisions of this section shall not apply to taxes, assessments or water-rates for which sales shall have been heretofore had, except that in all cases where at such sales the property sold has been purchased by or in behalf of said city, and the certificate of sale belongs to said city, the owner of the premises sold may redeem the same from such sale at any time within two years after the passage of this act, upon payment to said city of the amount for which the same was sold, with interest thereon at the rate of seven per centum from the confirmation of such tax or assessment until said eighth day of June, eighteen hundred and seventy-eight, and at the rate of nine per centum thereafter until redeemed as aforesaid. The annual taxes shall be confirmed by the common council; the tax roll signed by the board of supervisors; and the books delivered to the collector of taxes, on or before the fifteenth day of November in each year, and the collection of taxes shall be commenced on the first day of December in each year.

Interest and percentage to be added to certain taxes, etc.

Proviso.

Exception to proviso.

Annual taxes, confirmation, etc.

Collection.

§ 4. On all taxes and assessments which shall hereafter be paid to the collector before the expiration of one month after the warrant for the collection of the same shall have been delivered to him, an allowance shall be made to the person or persons making such payments at the rate of seven and three-tenths per centum per annum for the unexpired portion thereof, and the amount of such allowance shall be credited to the account of the collector and charged to the account of the revenue fund. On all taxes, assessments and water-rates paid after the expiration of one month from the time the same shall have become due and payable (except as otherwise provided in the third section of this act) there shall be added to and collected as part of every such tax, assessment or water-rate, interest at the rate of nine per centum per annum, to be computed from the time of confirmation thereof until payment.

Allowance on payments of taxes and assessments.

Interest to be added to taxes, etc.

Interest on
redemption of
lands.

§ 5. On the redemption of any lands from any sale hereafter had for unpaid taxes, assessments or water-rates in the city of Brooklyn, the person or persons, corporation or corporations, applying for such redemption, shall pay or cause to be paid interest at the rate of fifteen per centum per annum on all sums upon which interest is payable under the provisions of the charter of the said city, in case of such redemption; and the holder or holders of any certificate or certificates of such sales shall be entitled, on such redemption, to demand and receive interest at the rate aforesaid, in lieu of the rate of interest heretofore provided, and in addition to the other charges authorized by the said charter.

Transfer
of excess
of appropriations.

§ 6. The comptroller of the city of Brooklyn shall have the power to transfer any portion of any annual appropriation which he shall ascertain, after provision has been made for the annual use thereof by the common council, to be in excess of the amount actually needed for the purpose for which any such appropriation shall have been made, to the revenue fund of the treasury of the said city.

Repeal.

§ 7. All acts and parts of acts inconsistent with this act, except "An act relating to the payment of assessments for local improvements in the city of Brooklyn," passed on the nineteenth day of May, in the year eighteen hundred and seventy-seven, are hereby repealed.

§ 8. This act shall take effect immediately.

CHAP. 347.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-two of chapter three hundred and seventy-one, of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Not to
trade
in real
estate or
personal
property
except as
author-
ized.

Not to buy
or sell ex-
change,
gold,
notes, etc.

§ 32. It shall be unlawful for any savings bank, directly or indirectly, to deal or trade in real estate, in any other case or for any other purpose than as authorized in section twenty-nine of this act, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of this act, and except such personal property as may be necessary in the transaction of its business; and it shall be unlawful for any savings bank, or for any officer thereof in his regular attendance upon the business of such bank, in any manner to buy or sell exchange, or gold or silver, or to collect or to protest promissory notes or time bills of exchange; but this re-

striction shall not prevent savings banks from selling gold or silver received in payment of interest or principal of obligations owned by the bank, or from depositors in the regular course of business, nor from paying regular depositors, when requested by them, by draft upon deposits to the credit of the bank in the city of New York, and charging current rates of exchange for such drafts; and no savings bank shall make or issue any certificate of deposit, payable either on demand or at a fixed day, nor pay any interest except regular quarterly or semi-annual dividends upon any deposits or balances, nor pay any interest or deposit or portion of a deposit, or any check drawn upon itself by a depositor unless the pass book of the depositor be produced and the proper entry be made therein at the time of the transaction; provided, however, that the board of trustees may by their by-laws provide for making payments in cases of loss of pass book, or other exceptional cases where the pass book cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease however, when so directed by the superintendent of the bank department upon his being satisfied that such right is being improperly exercised by any savings banks; and provided, further, that payments may be made upon the judgment or order of a court, or the power of attorney of a depositor.

Not to
issue
certificates
of deposit.

Interest
on de-
posits.

Checks.
Proviso as
to pay-
ments.

§ 2. It shall be unlawful after the passage of this act for any savings bank, directly or indirectly, to receive from any individual a deposit or deposits in excess of three thousand dollars, but this limitation shall not apply to deposits arising from judicial sales or trust funds.

Deposits,
limit of.

§ 3. No person shall after the passage of this act be elected trustee of any savings bank who is not a resident of this state, and removal from the state by any trustee hereafter elected shall vacate his office.

Trustees.

§ 4. This act shall take effect immediately.

CHAP. 348.

AN ACT to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled "An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen, and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-two of title four of chapter one hundred and twenty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to amend an act passed May third, eighteen hundred and seventy, entitled 'An act to amend an act to incorporate the city of Troy, passed April twelfth, eighteen hundred and sixteen,' and the several acts amendatory thereof, and also to amend other acts relating to the city of Troy," is hereby amended so as to read as follows:

Void, illegal or erroneous assessments, to be re-levied or re-assessed.

Assessments for improvements made by order of board of health.

§ 22. In case any assessment heretofore made or levied, or which shall hereafter be made or levied, shall be or become void, illegal or erroneous for want of jurisdiction or on account of any irregularity or defect in the manner of levying or making the same, or on account of being declared void, illegal or erroneous by any order, judgment or decree of any court having jurisdiction thereof, the said local assessors shall have the power, and it shall be their duty to cause the same to be re-levied or re-assessed, as the case may be, in proper manner. Where such void, illegal or erroneous assessment has been made for a local improvement in said city, ordered by the common council or by the board of health of said city as a sanitary measure, the re-assessment shall be made by the local assessors of the city; and in all cases in which any local improvement within the city has been made, by order of the board of health of said city, the expense of which, had the same been ordered by the common council, should have been apportioned and assessed upon property benefited thereby, it shall be the duty of the local assessors to apportion and assess all such expense upon the property benefited thereby, according to the provisions of this act, and every such assessment shall be a lien to the same extent, and be collected in the same manner as other assessments under the provisions of this act.

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect immediately.

CHAP. 349.

AN ACT to facilitate the removal of human remains from burying grounds within the limits of cities.

PASSED May 23, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceedings for removal of remains.

SECTION 1. Whenever the trustees of any church or religious corporation owning a burying ground within the limits of any city in this state, shall by resolution determine that it is expedient to remove the human remains buried therein, it shall be lawful for them to proceed as follows: They shall, by notice read to the congregation on two successive Sundays and posted at the principal door of the church for two weeks previously, and published daily in one of the city papers having the largest daily circulation for the same period of time, call a meeting of the pewholders of such church for the purpose of considering the subject of such removal; and in such notice they shall state the time and place of such meeting, and the purpose thereof. Such meeting shall be organized by electing a president and secretary by a majority of the pewholders thereat. If three-fourths of the pewholders present at such meeting shall vote in favor of such removal, the president and secretary of said meeting shall execute a certificate showing the proceedings of such meeting, which shall be proved or acknowledged in the same manner as deeds are required by law to be proved or acknowledged, and shall be recorded in the office of the register of the city or clerk of the county in which such burying ground is situated. And

no other consent shall be necessary or required to authorize such removal.

§ 2. Such removal shall be made by the trustees of such church, their agents and servants, at such time or times and in such manner as the board of health in such city may direct. Removal, by whom made.

§ 3. Such removal shall be made at the expense of such church or religious corporation, to any other burying ground owned by them, in an appropriate manner, together with the tombstones proper thereto; and such tombstones shall be erected again at the place of removal over the appropriate remains in all cases where the same can be identified. How made.

§ 4. The provisions of sections two and three of chapter two hundred and fifteen, of the laws of eighteen hundred and forty-two, shall not apply to any case in which the certificate mentioned in the first section of this act shall have been duly recorded. When ch. 215, Laws of 1842, §§ 2 and 3, not to apply.

CHAP. 350.

AN ACT to amend title seven of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown."

PASSED May 23, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of title seven of chapter seven hundred and fourteen of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Watertown," as amended by section seven of chapter eight hundred and ten of the laws of eighteen hundred and seventy-one, and repealed by section one of chapter three hundred and sixty-eight of the laws of eighteen hundred and seventy-six, is hereby re-enacted so as to read as follows :

§ 1. The common council shall have the power to perform the duties and be subject to the liabilities of commissioners of highways in towns, with the exceptions and modifications contained in this act; the common council shall have full power and authority by order, recorded in the city records, to lay out, open, make, amend, repair, alter, widen, construct and discontinue streets, lanes, public squares, alleys, and highways, walks, bridges, drains and sewers in the city, whenever they shall deem the public good to require it, and such highways, streets, lanes and alleys may be laid out, through or across any yard, orchard, garden, lot or inclosure, and any structure, erection or building may be removed for that purpose ; but no building exceeding in value the sum of two thousand dollars shall be removed, in whole, or in part, without the consent of the owners thereof, and the owners of any land, structure, erections or buildings, across, over or through which such street, alley, lane or highway shall be laid out or altered, shall be paid a reasonable compensation for such damages as they shall sustain by reason thereof, the manner of ascertaining or assessing such damages shall be the same as is now provided by law, in cases of laying out and opening highways. Common council to have power of highway commissioners. Their power as to streets, etc.

Removal of buildings.

Payment of damages.

§ 2. This act shall take effect immediately.

CHAP. 351.

AN ACT in relation to the city government of Long Island city.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Board of
water
commis-
sioners.

SECTION 1. From and after the first Tuesday of June, eighteen hundred and seventy-eight, the board of water commissioners of Long Island city shall be composed of the mayor, the president of the board of aldermen, the commissioner of public works, and two citizens, to be appointed by the mayor, who shall not be in any manner officially connected with the city government.

Clerk of
board.

§ 2. The city clerk of said city shall be clerk of the board of water commissioners and of the board of fire commissioners.

Police and
civil
justice,
their
powers,
duties, etc.

§ 3. The police justice of Long Island city, and the civil justice of said city, shall, from and after the passage of this act, each have and possess all the powers and functions and discharge all the duties now conferred and prescribed by law in civil and criminal actions and proceedings upon justices of the peace, in the several towns in Queens county, and each of said officers shall hereafter be known and designated as a justice of the peace, and said officers, and each of them, may be removed from office in like manner and for like causes, as a justice of the peace in towns; but nothing herein contained shall be so construed as to increase or diminish the salary, compensation, fees or allowance of said officers, or either of them.

Proviso.

Repeal.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

CHAP. 352.

AN ACT in relation to certain public officers in the county of Kings.

PASSED May 23, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Superin-
tendent of
construc-
tion and
repairs.
Term of
office of
certain
officers.

SECTION 1. The powers, duties and salary of the officer known as the superintendent of construction and repairs of the county of Kings shall be such as are now fixed and defined by the board of supervisors of said county. The term of office of the superintendent of construction and repairs, of the keeper of the morgue, and of the engineer of the jail of said county, and of their and each of their successors shall be three years from the date of the last election or appointment of said officers, respectively, by the said board of supervisors.

§ 2. This act shall take effect immediately.

CHAP. 353.

AN ACT in relation to the term of office of the clerk and assistant clerk of the board of supervisors of Kings county and of the engineers of the county court-house in said county.

PASSED May 23, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Upon the expiration of the term of office of the present clerk and assistant clerk of the board of supervisors of Kings county, the said board shall elect a clerk and assistant clerk who shall hold their offices for two years respectively and until their successors are elected, and thereafter the said clerks shall be elected once in two years.

Clerk and assistant clerk of supervisors.

§ 2. Upon the expiration of the term of office of the present engineers of the county court-house in the county of Kings, the board of supervisors of said county shall elect two engineers who shall hold office for two years, or until their successors are elected, and thereafter the said engineers shall be elected once in every two years.

Engineers of court-house.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 4. This act shall take effect immediately.

CHAP. 354.

AN ACT to amend chapter one hundred and thirty, laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Title one of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof, is hereby amended by adding thereto the following as an additional section:

§ 6. This title shall apply to all town meetings held in the several towns of this state, as well as to the elections named and provided for in this act.

Title one to apply to town meetings.

§ 2. Title seven of chapter one hundred and thirty of the laws of eighteen hundred and forty-two, entitled "An act respecting elections other than for militia and town officers," and the several acts amendatory thereof, is hereby amended by adding thereto the following as an additional section:

§ 16. This title shall apply to all town meetings held in the several towns in this state, as well as to the elections named and provided for in this act.

Title seven to apply to town meetings.

§ 3. This act shall take effect immediately.

CHAP. 355.

AN ACT to limit and define the powers of the the * supervisor, town clerk, commissioners of highways and justices of the peace of the town of Pelham, in the county of Westchester.

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Not to apply to supervisors for authority to borrow money, etc.

Except by resolution of town meeting.

Resolution not to be passed without notice being given and posted.

Contents of notice.

Publication.

Proof of posting and publication.

Record.

Vote necessary.

Who entitled to vote.

SECTION 1. The supervisor, town clerk, commissioner of highways and justices of the peace of the town of Pelham, in the county of Westchester, shall not have power, after the passage of this act, to apply to the board of supervisors of the said county for authority to borrow, upon the credit of the said town, any sum whatever, and to issue the bonds of the said town under and in pursuance of chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-nine, or under chapter two hundred and sixty of the laws of eighteen hundred and seventy-four, excepting under and in pursuance of a resolution passed at a town meeting held according to law in said town, expressing the amount to be raised, or borrowed, and the object to which the same shall be appropriated; and it shall not be lawful for any such town meeting to pass any resolution for the purposes aforesaid without a public printed notice being given, and posted in at least twenty public places in said town, among which shall be the railroad station at Pelhamville, the town hall, the railroad stations at Pelham Manor and Bartow, City Island bridge and the town clerk's office and each post-office in said town, at least four weeks prior to the said town meeting, and such notice shall specify the object and amount of each sum proposed to be raised or borrowed as aforesaid, and that the same will be presented at the next town meeting. Such notice shall also be published for four weeks prior to said meeting in a newspaper printed and published in said town, if there shall be one, and if none is so printed and published, then in a newspaper printed and published in the village of New Rochelle and also in Mount Vernon. It shall be the duty of the town clerk to present to the town meeting proof of the posting and publication of such notice before any resolution shall be passed for the purposes aforesaid, and such proof shall be recorded in full in the minutes of the town meeting.

§ 2. No resolution for the appropriation or raising of money shall be passed at any town meeting in the town of Pelham unless by the vote of three-fifths of the taxpayers present at such meeting, taken by ballot, and no person shall vote unless he shall be a taxpayer, and all taxpayers shall be entitled to vote for such appropriations except those who only pay a dog tax.

§ 3. This act shall take effect immediately.

* So in the original.

CHAP. 356.

AN ACT to amend section one of chapter two hundred and twenty-five of the laws of eighteen hundred and seventy-seven, entitled "An act to establish the boundary line between the towns of Jay and Wilmington in the county of Essex and to confirm the past jurisdiction of said towns respectively in relation to said line.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of chapter two hundred and twenty-five of the laws of eighteen hundred and seventy-seven is hereby amended so as to read as follows :

§ 1. The boundary line between the towns of Jay and Wilmington in the county of Essex is hereby established as follows: Beginning in the north bounds of said county at the north-west corner of lot number seventy-four in the Jay tract, and running thence southerly along the west bounds of said lot and the west bounds of lot number one hundred and fifty-two to the southwest corner of the last mentioned lot; thence south, eighteen degrees west to the Summit of Hamblin Mountain as designated by an iron bolt in the rock placed by C. W. M. Johnson in eighteen hundred and seventy-six ; thence south thirty degrees west as the magnetic needle pointed in eighteen hundred and twenty-two to the north line of the town of Keene.

Boundary
line estab-
lished.

§ 2. This act shall take effect immediately.

CHAP. 357.

AN ACT to authorize the electors of the town of Greenburgh residing within the village of White Plains to vote for commissioners of highways of the town of Greenburgh in the county of Westchester.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for, and the electors of the town of Greenburgh residing within the village of White Plains, are hereby authorized to vote for commissioners of highways of the town of Greenburgh in the county of Westchester notwithstanding any prohibition thereof contained in the charter of the village of White Plains.

§ 2. This act shall take effect immediately.

CHAP. 358.

AN ACT to exempt the counties of Wayne, Delaware, Allegany, Oneida, Cayuga, Erie, St. Lawrence, Schuyler, Rockland, Orange, Sullivan, Columbia and Broome from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this state and to prescribe their powers and duties."

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Exemptions from
ch. 180,
Laws 1875.

SECTION 1. The counties of Wayne, Delaware, Allegany, Oneida, Cayuga, Erie, St. Lawrence, Schuyler, Rockland, Orange, Sullivan, Columbia, and Broome are hereby exempted from the provisions and operation of chapter one hundred and eighty of the laws of eighteen hundred and seventy-five, entitled "An act creating a board of town auditors in the several towns of this state and to prescribe their powers and duties."

§ 2. This act shall take effect immediately.

CHAP. 359.

AN ACT to amend section nine, chapter ninety of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein."

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of chapter ninety of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the improvement of the navigation of the Racket river and of the hydraulic power thereon, and to check freshets therein," is hereby amended so as to read as follows :

When assessments
effective.

Appraisers
to certify
action,
etc.

Collection of as-
essments.

§ 9. As soon as all appeals from such assessment shall have been heard and decided as aforesaid, or in case there shall be no appeal therefrom within twenty days, then, at the end of twenty days from the filing thereof, said assessments shall be effective and valid, and the said appraisers shall certify their action in the premises, and furnish a detailed statement of their assessments to said commissioners, who shall notify the persons whose property is assessed by advertisement and circular, as provided in the last section, where the sums so assessed may be paid for the space of thirty days from the day of the first publication of said notice or advertisement, and in case any of the sums so assessed shall not be paid to said commissioners within said thirty

days, then and after the expiration of said thirty days, the said commissioners may and shall proceed to collect the same in the same manner and with the same effect as if the said several sums were the several debts of the persons so assessed due to said commissioners, and secured to be paid by mortgage upon the property so assessed as aforesaid. And the said commissioners may maintain actions at law, or suits in equity for the collection of said moneys or the enforcement of such liens; and in all such suits and actions the said detailed statement so furnished by said appraisers to said commissioners shall be conclusive evidence of the amount and validity of such assessment and of such lien, and of the regularity of all previous proceedings. Detailed statement evidence.

§ 2. Nothing in this act contained shall affect any suit now pending or rights accrued. Proviso.

CHAP. 360.

AN ACT to extend the time for the collection of taxes in the town of Cherry Valley, in the county of Otsego.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the collection of taxes now levied and uncollected in and upon the town of Cherry Valley by the board of supervisors of the county of Otsego at their last annual meeting, is hereby extended to the first day of August next, and the warrant now in the hands of Amos L. Swan as collector of said town and the person who received the same from the supervisor of said town, shall continue in force and effect until said first day of August next, and said Amos L. Swan as such collector shall and may collect all taxes now unpaid on said warrant, assessment and levy as aforesaid, before said first day of August next, and shall pay the moneys over when so collected as in his said warrant he is directed. Time for collection of taxes extended.

§ 2. The collector of taxes of said town shall pay over all moneys collected by him, and renew his bond as in such cases now provided by law. Payment of money and renewal of bond.

§ 3. This act shall take effect immediately.

CHAP. 361.

AN ACT to authorize the city of Brooklyn to pay to John McCloskey the proper cost of a certain temporary sewer or drain in Hicks street connecting with Hamilton avenue sewer, constructed by said McCloskey under a resolution of award of the common council of said city, passed October twenty-fifth, eighteen hundred and sixty-nine.

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Common
council
may fix
price of
sewer.

SECTION 1. The common council of the city of Brooklyn are hereby authorized to ascertain, determine and fix a price as the proper cost of a certain sewer or drain constructed in Hicks street by John McCloskey under and by virtue of a certain resolution of said common council awarding to said McCloskey the construction thereof.

Payment.

§ 2. When the aforesaid common council shall have ascertained, determined and fixed a price as the proper cost of said sewer or drain, they are hereby empowered to direct the financial officers of the city of Brooklyn to pay over to said John McCloskey the amount so ascertained, determined and fixed out of any moneys in the city treasury which may be made applicable to such purpose.

§ 3. This act shall take effect immediately.

CHAP. 362.

AN ACT to transfer the care and control of Bedford avenue, in the city of Brooklyn, to the park commissioners of said city.

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Care and
control of
avenue
vested in
park com-
mission-
ers.

SECTION 1. From and after the first day of January, eighteen hundred and seventy-nine, the care and management of Bedford avenue, in the city of Brooklyn, throughout its entire length, including the repairs of the existing pavement thereon and cleaning thereof, are hereby vested in the park commissioners of said city, and said commissioners are authorized and directed, from and after said date, to keep the same clean and in good repair, and to make such needful rules and regulations in respect to said avenue, the preservation of its walks and roadway, and the public use thereof, as they may deem proper to maintain the same as a public drive or parkway, and the powers heretofore vested in or exercised by other city officers or boards in said city, in respect to said avenue, are hereby transferred to said park commissioners, provided that no expense herein authorized shall be met by the issue of park bonds.

§ 2. This act shall take effect immediately.

CHAP. 363.

AN ACT in relation to the regrading and paving of Grand street, from Union avenue to Bushwick avenue in the city of Brooklyn, with Belgian pavement.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The common council of the city of Brooklyn is hereby authorized to accept from the owners of property on Grand street, between Union and Bushwick avenues in said city, the amount of the assessment levied and imposed upon said property, for the regrading and paving of Grand street from Union avenue to Bushwick avenue aforesaid, without default, or interest, or other expense, and the registrar of arrears of taxes and assessments of said city is hereby authorized and directed to receive from said owners of property the amount of said assessment as originally confirmed, without additional expense, in accordance with the resolution of said common council, passed on the twenty-fifth day of February, eighteen hundred and seventy-eight.

Accept-
ance of
amount of
assess-
ment with-
out ex-
pense, au-
thorized,

§ 2. This act shall take effect immediately.

CHAP. 364.

AN ACT relating to the assessment of real property in the city of Brooklyn, county of Kings, owned and occupied by charitable corporations, societies or institutions.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The real property situate in the city of Brooklyn, county of Kings, owned and occupied by any corporation, society or institution, as an orphan asylum, house of industry, or which has for its object the reformation of offenders, the care, support or education of the sick, the infirm, the destitute, the deaf, the dumb or the blind, shall be, and hereby are declared discharged from all assessments for local improvements.

Discharge
from as-
sessments.

§ 2. This act shall take effect immediately.

CHAP. 365.

AN ACT to legalize the acts and proceedings of the inhabitants and trustees of school district number twenty-nine, in the town and county of Onondaga.

PASSED May 24, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Acts and proceedings of inhabitants and trustees of school district, legalized.

Proviso.

SECTION 1. The acts and proceedings of the inhabitants of school district number twenty-nine, in the town and county of Onondaga, in organizing said district, which district was established pursuant to decision number two thousand six hundred and twenty, of the department of public instruction, by the school commissioner of the second commissioner district of Onondaga county, whose acts relating thereto have been legalized by chapter one hundred and eighty-five of the laws of eighteen hundred and seventy-eight, and also the acts and proceedings of the inhabitants of said district in school meeting assembled, and of the trustees of said district, in raising moneys for school purposes therein, are hereby in all respects legalized and confirmed ; but nothing herein contained shall affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

CHAP. 366.

AN ACT to incorporate the Brooklyn Church Society of the Methodist Episcopal Church.

PASSED May 24, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corporators.

SECTION 1. William L. Harris, George G. Reynolds, George Mahon, Charles H. Fellows, John French, Jeremiah Mundell, Harvey E. Hicks, William I. Preston, John L. Collyer, John W. Hartt, Edward Ridley, John M. Phillips, Henry G. Fay, John L. Peck, Albert S. Graves, Charles K. True, Charles S. Briggs, Thomas H. Burch, Jesse J. Davis, Nathan Hubbell, J. C. Henck, Arthur B. Sanford, Henry Dubois, Charles H. Miller, John E. Cornell, Robert W. Jones, M. Fraser Bolen, Charles Bachman, A. K. Shiebler, John W. Barnhart, Edwin Talmage, Wellesley W. Bowdish, Hans L. Christian, Ichabod Simmons, William M. Ingraham, George Copeland, John S. Breckenridge, Moses L. Scudder, Daniel Maujer, Charles E. Harris, Hiram Kirk, James M. Buckley, Samuel Booth, William H. Russell, Robert M. Quincy, George L. Thompson, James H. McIntosh, George Hollis, Samuel Ludlow, William P. Estes, Thomas C. Stokes, Daniel A. Goodsell, David Stanley, Joseph Pullman, William Browning, William W. Clarke, Noah Loder, George F. Kettell, George C. Martin, James A. M. Chapman, Ezra B. Tuttle, John Parker, Robert A. Ryons, William C. Steel, William H. Moger, Lindsay Parker, John J. Barnier, Charles

N. Sims, Rufus Ressegue, William H. Simonson, H. Clay Swayre, Barney F. Reeve, Robert Cowley, John H. Stansbury, Stephen R. Frazier, Daniel O. Ferris, John S. Barndollar, William J. Bowers, Charles W. Gallagher, A. C. Stevens, George E. Wheeler, and J. Y. Tuthill, and such persons as may hereafter become members of the corporation hereby created, are hereby constituted a body corporate, by the name of "The Brooklyn Church Society of the Methodist Episcopal Church," to be located in the city of Brooklyn, and by that name shall have perpetual succession, and possess the general powers conferred on corporations by the third title of the eighteenth chapter of the first part of the Revised Statutes of the state of New York.

Corporate
name and
powers.

§ 2. The object of said corporation shall be to aid churches, to give advice as to church indebtedness, incumbrances on property, location of churches and church buildings, and to promote Sunday schools and missions in the city of Brooklyn and vicinity.

Objects of
corporation.

§ 3. Said corporation shall have power to make and adopt a constitution and by-laws, and to make rules and regulations for the admission, suspension and expulsion of its members, and their government, the number and election of its officers, and to define their duties, and for the safe-keeping of its property, and from time to time to alter and modify such constitution, by-laws, rules and regulations. Until an election shall be held pursuant to such constitution and by laws, the persons named in the first section of this act shall be, and are hereby declared to be, the managers of said corporation and its property.

Constitution,
by-laws, etc.

Managers.

§ 4. The said Brooklyn church society of the Methodist Episcopal church shall be capable of taking and holding, by purchase or devise, any real or personal estate for the use and purpose of said corporation, and also of conveying, transferring and mortgaging any real or personal estate, but the annual income of all real estate held by said corporation at any one time shall not exceed twenty thousand dollars; and all devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act in relation to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same.

May hold
real and
personal
estate, etc.

Annual
income.

Devises
and be-
quests.

§ 5. The management of the affairs of said corporation shall be vested in a board of managers, to be appointed and elected annually as provided by its constitution and by-laws; which board shall consist of the officers of the society, one male and one female member from each of the Methodist Episcopal churches in the city of Brooklyn to be elected by the quarterly conferences of the pastors of said churches, and of the presiding elders of the Methodist church whose districts may, in whole or in part, embrace the city of Brooklyn, or portions of that city, and forty additional members, to be elected annually by the board of managers. Thirteen members of the board shall be a sufficient quorum for the transaction of business at any meeting of said board.

Management
of
affairs.

Quorum.

§ 6. The legislature may at any time alter or repeal this act.

§ 7. This act shall take effect immediately.

CHAP. 367.

AN ACT to amend chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, entitled "An act requiring justices of the peace to give bonds."

PASSED May 24, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one, chapter one hundred and seven of the laws of eighteen hundred and seventy-eight, entitled "An act requiring justices of the peace to give bonds," is hereby amended so as to read as follows:

Justices to
give
bonds.

§ 1. Every justice of the peace elected or appointed in any of the towns or cities of this state shall, before he enters upon the duties of his office, execute an instrument in writing with two sureties, to be approved by the supervisor of the town (or the town clerk thereof where the said justice of the peace is also the supervisor of said town), or the common council of the city in which such justice shall reside, conditioned that he will pay over on demand to the officer, person or persons entitled to the same, all moneys received by him in virtue of his office, and previous to entering upon the discharge of his official duties, shall file the said instrument in the office of the clerk of the city or town in which he shall reside.

§ 2. This act shall take effect immediately.

CHAP. 368.

AN ACT for the relief of George W. Spencer, late clerk of the county of Yates.

PASSED May 24, 1878; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All claim for damages, actions, or rights of action, which the people of the state of New York have against George W. Spencer, late county clerk of the county of Yates, growing out of his omission, legally and properly to docket a judgment in favor of the said people against Nehemiah Raplee and Williams S. Semans, are hereby released to the said George W. Spencer.

§ 2. This act shall take effect immediately.

CHAP. 369.

AN ACT to provide for a hall of military record and the maintenance thereof.

PASSED May 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The new capitol commissioners are hereby required to set apart and suitably furnish sufficient apartments in the new capitol to be known and maintained as the Hall of Military Record. Hall of military record.

§ 2. The interest arising from the investment of the funds heretofore contributed by towns, cities and individuals, for the erection of such hall of military record, shall be hereafter devoted to the maintenance of such hall of military record.

CHAP. 370.

AN ACT limiting the time and expense of completing the Adirondack survey.

PASSED May 25, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time for the completion of the topographical survey and exploration of the Adirondack wilderness region is hereby limited to six years from the passage of this act ; and the topographical character of the work shall be complete in all respects throughout the area under survey. Survey to be completed in six years.

§ 2. The annual appropriation for the purposes of the survey shall be ten thousand dollars ; and the compensation of the superintendent thereof shall be paid out of this sum at the rate fixed by chapter three hundred and twenty-three of the laws of eighteen hundred and seventy-four, and the said sum of ten thousand dollars is hereby appropriated, out of any funds in the treasury not otherwise appropriated, for the purpose of carrying out the provisions hereof for the year eighteen hundred and seventy-eight. Annual appropriation.

§ 3. A full report on the progress of the survey shall be annually presented, printed, to the legislature, within sixty days after the meeting thereof. Annual report.

§ 4. This act shall take effect immediately.

CHAP. 371.

AN ACT to classify the board of trustees of "The Clinton Liberal Institute," and to provide for the election of said trustees.

PASSED May 25, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Trustees
divided
into three
classes.

Terms of
office.

Classifica-
tion, who
to make.

Where and
when to
be made.

Proceed-
ings.

SECTION 1. The trustees of The Clinton Liberal Institute are hereby divided into three classes, consisting of four of said trustees in each class; the terms of office respectively of each of the said trustees of the first class shall expire on the tenth day of June, eighteen hundred and seventy-eight; the second class on the tenth day of June, eighteen hundred and seventy-nine, and the third class on the tenth day of June, eighteen hundred and eighty.

§ 2. The said classification shall take place and be made as follows: the county clerks of Oneida and Herkimer counties respectively, or their respective deputies, shall make the said classification, and full authority and power is conferred upon them and each of them respectively, or their said deputies or deputy, to make said classification; and it shall be made at the office of the county clerk of Oneida county, in the city of Utica, on the first day of June, eighteen hundred and seventy-eight, at two o'clock in the afternoon of that day, as follows: the said county clerks respectively shall meet at the time and place aforesaid, and immediately proceed with the business aforesaid, at the place aforesaid, and for that purpose the said county clerk of Herkimer county shall prepare and have present two ballot boxes; said boxes shall be marked respectively number one and number two; said clerks shall prepare twelve ballots, as nearly alike as possible; four of said ballots shall be blank ballots, and four of said ballots shall have written on each of them, the words "one year," and four of said ballots shall have written on each of them the words "two years," which said ballots shall be deposited in said box marked number one. Said clerks shall then prepare twelve additional ballots, as nearly alike as possible; upon each of which said ballots shall be written the name of one of the trustees of the said "The Clinton Liberal Institute," as the said board existed and was constituted on the first day of February, eighteen hundred and seventy-eight; and, if any vacancy or vacancies have occurred or shall occur, since the day aforesaid, before the day of said drawing, from any cause, the names aforesaid shall be written upon said ballots, respectively, as aforesaid, and each of said last-named ballots shall have written upon it the name of one of the trustees aforesaid, who are or were said trustees on the day aforesaid, but on each of said ballots there shall be a different name, and each of said twelve ballots shall be deposited by the said clerks aforesaid in said box marked number two. The said ballots in each of said boxes shall be thoroughly shaken and mixed by the said clerks aforesaid. After that has been done, the county clerk of Oneida county shall then draw out of box number two one of said ballots, and deliver the same to the county clerk of Herkimer county, and said clerk of Oneida county shall then draw a ballot from box number one, and hand the same to the clerk of Herkimer county, and the ballot so last drawn shall determine the class to which

said trustee shall belong; and said drawing shall be continued in the manner aforesaid until each of said ballots in each of said boxes shall be drawn; and the class to which each trustee shall be drawn and designated as aforesaid shall constitute the respective class as provided in section one; and the county clerk of Herkimer county shall keep correct minutes and designations of the said drawings aforesaid, as the same shall take place; and the respective clerks aforesaid shall certify immediately, under their respective hands, the result of the said drawing and classification to the president of the New York state convention of Universalists, and thereafter, and on the said tenth day of June, eighteen hundred and seventy-eight, the said classification aforesaid, shall be final and complete; and the terms of office of said trustees, respectively, shall be deemed fixed as aforesaid. The said proceedings in regard to the said classification shall be public, and the same may be witnessed by such of the trustees of said institute as may desire to be present; and, if either of said county clerks shall be absent at the time and place aforesaid, the deputy of said clerk so absent shall act in his place; and, if one of said county clerks or deputies should alone be present, the one so attending may designate any disinterested person to act with him in making the said drawing and classification, as is hereinbefore directed, and the same shall be valid and shall be certified in the manner hereinbefore directed.

Minutes to be kept.

Clerks to certify result,

Proceedings to be public.

Provision in case of absent county clerks.

§ 3. The New York state convention of Universalists shall hereafter elect the trustees of The Clinton Liberal Institute, in such manner as such convention has prescribed to fill vacancies, or shall by its rules hereafter prescribe, to elect trustees, as the terms of office respectively of the said trustees herein mentioned shall expire; and in case any vacancy or vacancies now exist in said board, or shall hereafter exist, the same shall be filled in the manner now provided by law for filling vacancies in the said board of trustees.

Trustees, how elected hereafter.

Vacancies.

§ 4. The said trustees hereafter elected in the manner prescribed by this act shall hold their respective offices for the term of three years each, and no longer, except in case of election to fill vacancies; and in election to fill vacancies, the person or persons so elected shall respectively hold his office the remaining portion of said time which said trustee would have been entitled to hold said office if such vacancy had not occurred, and said term of office of trustees shall be hereafter three years, and no longer.

Terms of office.

§ 5. This act shall take effect immediately.

CHAP. 372.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An act to conform the charters of all savings banks or institutions for savings, to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs."

PASSED May 28, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty-four of chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-five, entitled "An

act to conform the charters of all savings banks or institutions for savings to a uniformity of powers, rights and liabilities, and to provide for the organization of savings banks, for their supervision and for the administration of their affairs," is hereby amended so as to read as follows:

Duty of
superin-
tendent in
case of
miscon-
duct of
bank.

When
attorney-
general to
institute
proceed-
ings.

What pro-
ceedings
attorney-
general
may insti-
tute.

Power of
court.

When
superin-
tendent
to take
possession
of assets.

Receiver.

§ 44. Whenever it shall appear to the said superintendent, from any examination made by him, or from the report of any examination made to him, or from the report made by any such corporation pursuant to the requirements of sections thirty-six, thirty-seven and thirty-eight of this act, that any such corporation has committed any violation of its charter or of law, or is conducting its business and affairs in an unsafe or unauthorized manner, he shall, by an order under his hand and seal, direct the discontinuance of such illegal and unsafe or unauthorized practices, and strict conformity with the requirements of the law, and with safety and security in its transactions; and whenever any such corporation shall refuse or neglect to make any such report as is hereinbefore required, or to comply with any such order as aforesaid, or whenever it shall appear to the superintendent, that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the attorney-general who shall thereupon institute such proceedings as the nature of the case may require. The proceedings instituted by the attorney-general may be for the removal of one or more of the trustees, or for the transfer of the corporate powers to other persons, or the consolidation and merger of the corporation with any other savings corporation that may be willing to accept of the trust, or for such other or further relief or correction as the particular facts communicated to him shall seem to require. And the court before which such proceedings shall be instituted shall have power to grant such orders, and in its discretion from time to time to modify or revoke the same and to grant such relief, and render such judgment, as the facts, or evidence in the case, and the situation of the parties, and the interests involved, shall seem to require; and whenever in such proceedings an order shall be granted, upon notice, or without notice, restraining such corporation and its officers, from paying out or disposing of any moneys or property of, or held by such corporation, the superintendent may, and if directed by the court, shall take temporary possession of all the assets, property and rights of, or held by such corporation, and hold such possession until the further order of the court. If a receiver be appointed he shall, subject to the direction of the court, proceed with diligence to convert the assets of the bank into money and to make distribution thereof. He shall whenever required by the court upon the application of the attorney-general render an account of his proceedings, and shall render a full account of all his proceedings and make final distribution within eighteen months from the time of his appointment, unless the court upon application by the receiver and notice to the attorney-general shall give additional time for that purpose. The court may make such orders for the payment of such deposits, by the receiver or such other provisions in respect to such deposits to facilitate the distribution of the assets as may be just.

§ 2. This act shall take effect immediately.

CHAP. 373.

AN ACT to amend chapter three hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-seven, and making appropriations for dredging the canal basin at Whitehall [and constructing a bridge over the Champlain canal in the city of Cohoes.]"

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The second paragraph of section two of chapter three hundred and nine of the laws of eighteen hundred and seventy-seven, entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, eighteen hundred and seventy-seven," is hereby amended so as to read as follows:

"For the construction of an iron swing or draw or lift bridge, to replace the present unsafe structure at Lawrence street, in the city of Albany, six thousand dollars, or so much thereof as may be necessary: Appropriation for bridge in Albany. Provided, however, that such bridge shall not be constructed, unless Proviso. the proper authorities of the city of Albany shall assume the entire expense of operating said bridge, under the direction of the superintendent of public works. For dredging the canal basin at and near the foot of the combined locks at Whitehall, the sum of ten thousand dollars, or so much thereof as may be necessary to be expended under the direction of the superintendent of public works. Appropriation for dredging basin at Whitehall.

The item covering the portion of the title in brackets was vetoed by the Governor.

CHAP. 374.

AN ACT to amend chapter two hundred of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the appraisal and sale of leased fine salt lots on the Onondaga salt springs reservation, by the commissioners of the land office," and to authorize the sale of certain coarse salt lands, the removal of vats therefrom, and the purchase of other lands in lieu thereof."

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter two hundred of the laws of eighteen hundred and seventy-four, entitled "An act to authorize the appraisal and sale

of leased fine salt lots on the Onondaga salt springs reservation, by the commissioners of the land office," is hereby amended by adding thereto as section six the following:

Commis-
sioners of
land office
may ap-
praise and
sell other
salt lands.

§ 6. The commissioners of the land office may, in their discretion, appraise and estimate the value of any other lands now under lease from the state on said reservation, and not needed for the manufacture of salt, such lands to be appraised and valued exclusive of any improvements made by the lessees on said lots, and they may sell them in the same manner and on the same terms as hereinbefore provided, giving to the said lessees the same pre-emptive right of becoming the purchaser or purchasers, as provided in the second section of this act.

Sale of
certain
coarse salt
lands.

§ 2. The commissioners of the land office are hereby authorized and required, upon the application of the superintendent of the salt springs, to examine into the condition of the coarse salt vats and lands situated between the tracks of the New York Central and Hudson River railroad, in the town of Geddes, Onondaga county, and if it shall appear to them that the same have been rendered unsuitable for the manufacture of salt, by reason of the erection of fine salt chimneys in the neighborhood or for other reasons for which the owners thereof are not responsible, they are hereby further authorized and required to appraise and estimate the value of said lands, and to dispose of them in the same manner as is provided by law for the sale of fine salt lands or lots, and shall procure for the lessees of said lands other lands suitable, for their use, and the cost of said lands so to be purchased together with the expense of the removal of said vats shall be paid from the proceeds of the lands so ordered to be sold.

Purchase
of other
lands.

Removal
of vats.

§ 3. The superintendent of the salt springs shall have full charge of the removal of such vats and the expense thereof shall be paid upon his certificate.

§ 4. This act shall take effect immediately.

CHAP. 375.

AN ACT to incorporate the Columbia county bar association.

PASSED June 1, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Corpora-
tors.

Corporate
name and
objects,

Corporate
powers.

SECTION 1. The members of the Columbia county bar association, of which John Gaul, Junior, is president, John C. Newkirk and Hugh W. McClellan are vice-presidents, and all persons who shall hereafter be associated with them, are hereby created a body corporate, under the name of "the Columbia county bar association," for the purpose of maintaining the honor and dignity of the profession of the law, increasing its usefulness in promoting the due administration of justice, and cultivating social relations among its members.

§ 2. Said corporation shall have power to acquire, by lease or purchase, a suitable building, library and furniture for the use of the corporation ; to borrow money for such purposes and issue bonds therefor, and to secure the same by mortgage, and generally to acquire and take by purchase, gift, devise, bequest, subject to the provisions

of law relating to devises and bequests by last will and testament, or otherwise, and to hold, transfer and convey all or any such real and personal property as may be necessary for attaining the objects and carrying into effect the purposes of such corporation, provided it shall not hold any real estate the value of which shall exceed in the aggregate fifty thousand dollars.

Value of
real
estate
limited.

§ 3. Such corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission, government, suspension and expulsion of its members, the collection of fees and dues, the number and election of its officers, and to define their duties, and for the safe keeping of its property and management of its affairs, and from time to time to alter, modify and change such constitution, by-laws, rules and regulations.

Constitu-
tion, by-
laws, etc.

§ 4. All interest of any member of said corporation in its property shall terminate and vest in the corporation, upon his ceasing to be a member thereof by death, resignation, expulsion or otherwise.

Interest in
property,
when to
terminate.

§ 5. The several officers of said association, at time of the passage of this act, shall continue to hold their respective offices as officers of this corporation, with the powers and duties prescribed by the constitution and by-laws of said association until their successors shall be elected and installed; and in case of any previous vacancy among such officers it shall be filled in the manner prescribed by the constitution and by-laws already adopted by said association, or as the same may, in conformity therewith, be altered or amended by this corporation; and the present constitution and by-laws of said association shall be the constitution and by-laws of said corporation until so altered or amended by said corporation; and all property, rights and interests of said association now held by any or either of the officers thereof, or any person or persons, for its use and benefit shall, by virtue of this act, vest in and become the property of the corporation hereby created, subject to the payment of the debts of said association.

Present
officers.

Vacancy,
how filled.

Present
constitu-
tion.

Property,
etc., to
vest in
corpora-
tion.

§ 6. Such corporation shall possess the powers and be subject to the liabilities prescribed by the third title of the eighteenth chapter of the first part of the Revised Statutes.

General
powers
and liabil-
ities.

§ 7. The legislature may at any time alter, modify or repeal this act.

Repeal.

§ 8. This act shall take effect immediately.

CHAP. 376.

AN ACT further to amend chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof."

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three of title two of chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereof," is hereby amended so as to read as follows:

Amount to
be paid to
hospitals
and dis-
pensaries.

§ 23. It shall be the duty of the mayor, comptroller and the board of aldermen to include in the statements and estimates provided for by sections twenty and twenty-one of this title the sum of four thousand dollars, to be paid to the City Hospital; the sum of four thousand dollars, to be paid to the Long Island College Hospital; the sum of four thousand dollars, to be paid to the Brooklyn Homœopathic Hospital; the sum of fifteen hundred dollars, to be paid to the Brooklyn Central Dispensary; the sum of fifteen hundred dollars, to be paid to the Brooklyn City Dispensary; the sum of fifteen hundred dollars, to be paid to the Brooklyn Eclectic Dispensary; the sum of fifteen hundred dollars, to be paid to the Brooklyn Homœopathic Dispensary; the sum of twenty hundred dollars, to be paid to the Williamsburgh Dispensary; the sum of fifteen hundred dollars, to be paid to the Long Island College Dispensary; the sum of fifteen hundred dollars, to be paid to the Gates Avenue Homœopathic Dispensary; the sum of twenty-five hundred dollars, to be paid to the Brooklyn Nursery; the sum of fifteen hundred dollars, to the Williamsburgh Homœopathic Dispensary; the sum of twenty-five hundred dollars, to the Brooklyn Lying-in Asylum; the sum of fifteen hundred dollars, to the Eye and Ear Hospital of the city of Brooklyn; to the Southern Dispensary and Hospital, ten hundred dollars; to the Orthopedic Dispensary, fifteen hundred dollars; to the Saint Peter's Hospital, four thousand dollars; to the Saint Peter's Dispensary, fifteen hundred dollars; the Atlantic Avenue Dispensary, one thousand five hundred dollars; for the Saint Mary's Hospital, fifteen hundred dollars; for the Saint Mary's Dispensary, one thousand dollars; for the Brooklyn Diet Dispensary, one thousand five hundred dollars; for the Saint Catherine's Dispensary, fifteen hundred dollars; for the Saint Catherine's Hospital, three thousand dollars; for the Helping Hand of Brooklyn, one thousand dollars; for the Sheltering Arms Nursery of Brooklyn, one thousand dollars; such several sums of money to be paid to the said several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the city of Brooklyn who may apply to them therefor. Such contract to be in writing, executed on behalf of the city by the said mayor and comptroller, and also by the executive officers of said association, respectively, and to be approved by the counsel to the corporation of the said city, and to be filed annually on or before the thirty-first day of May, in the office of the clerk of said city.

Considera-
tion for
payments.

Contracts,
how exe-
cuted, etc.

§ 2. This act shall take effect immediately.

CHAP. 377.

AN ACT in relation to the disposition and application of moneys raised and collected in the towns of this state for highway and bridge purposes.

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Moneys
raised for
highways
and
bridges to

SECTION 1. All moneys raised and collected upon the taxable property of any of the towns of this state, for highway and bridge purposes, shall be paid over by town collectors of taxes to the com-

missioners of highways of the towns in which said moneys are so raised and collected, and to no other officer or person whatsoever. It shall be the duty of the board of supervisors to issue warrants to the collectors of towns requiring the paying over by them, of all moneys raised and collected for highway and bridge purposes, to the commissioners of highways of towns; and it shall not be lawful for the board of supervisors of any county, to issue warrants to town collectors directing them to pay over any moneys raised and collected upon any town for highway and bridge purposes, to the village authorities of any incorporated village, situated wholly or partly in any town.

be paid to highway commissioners. Supervisors to issue warrants.

When not to be paid over to village authorities.

§ 2. It shall be the duty of the commissioners of highways in the several towns in this state to expend all moneys raised and collected in any town and paid over to such commissioners of highways, upon the highways and bridges, situated in the town in which such moneys are raised and collected, and not elsewhere, in such proportions as they may deem just and proper.

Duty of commissioners of highways.

§ 3. This act shall not apply to incorporated villages constituting a separate road district, or to special road districts of this state, now provided for by special act.

Act not to apply in certain cases.

§ 4. This act shall take effect immediately.

CHAP. 378.

AN ACT for the protection of life, and to prevent accidents by vessels navigating the port and harbor of New York, and waters adjacent thereto.

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any steamship, vessel, ferry boat, steamboat or other water craft of what name or description soever, while using the waters in and adjacent to the port and the harbor of the city of New York, and within the jurisdiction of the state of New York, as hereinafter designated and limited, for any of the purposes of navigation during and at the time of the existence of a fog thereon, rendering such navigation hazardous, and requiring care to prevent collisions and other accidents incident to navigation, unless such steamship, vessel, ferry-boat, steamboat or other water craft shall, through the owner or owners, pilot, master or other person in charge thereof, comply with the requirements contained in the next succeeding section of this act.

Provision as to navigation during fog.

§ 2. It shall be the duty of the owner, master, pilot or other person in charge of any such steamship, vessel, ferry-boat, steamboat or other water craft, if, and while moving in said waters during the existence of any such fog, in the day or night time, to use a fog-horn, steam whistle, bell, electrical light, or other cautionary light or signal, and to blow said horn or whistle and ring said bell continuously while said steamship, vessel, ferry-boat, steamboat or other craft is or may be in motion; and such movements only shall be had by either such steamship, vessel, ferry-boat, steamboat, or other water craft within the limit, time and in the manner in the next section provided.

Signals during a fog.

Movements limited.

Crossing
line of
ferry.

Speed of
vessels.

Penalty.

Extent of
port and
harbor of
New York.

§ 3. It shall not be lawful for any steamship, vessel, ferry-boat, steamboat or other water craft to navigate the waters so herein designated, during the existence of a fog thereon, as fully expressed in the first section of this act, to cross the line of any ferry now or hereafter maintained to and from the city of New York, without slowing and, in case of extreme danger, coming to anchor before so doing; and such crossing shall not then be had directly, but shall be made laterally to the course of said ferry; and the speed of such steamship, vessel, ferry-boat, steamboat or other water craft in motion at such time shall not exceed four miles per hour.

§ 4. Any violation of the provisions hereof shall be chargeable directly upon the owner, master, pilot or person in charge of any such steamship, vessel, ferry-boat, steamboat, or other water craft; and any such owner, master, pilot or other person, in charge of any such steamship, vessel, ferry-boat, steamboat, or other water craft offending against, or violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction punishable by a fine not exceeding two hundred and fifty dollars or imprisonment not exceeding one year, or by both such fine and imprisonment.

§ 5. The port and harbor of New York shall, for the purposes of this act, be deemed and held to extend to and cover the waters of New York bay to and including quarantine, East river and Harlem river to Harlem bridge and the waters of Long Island sound to Flushing bay; the North or Hudson river to the city of Yonkers, and the Kill-von-Kull to Shuter's island, so far as the same are within the jurisdiction of the state of New York.

§ 6. This shall take effect immediately.

CHAP. 379.

AN ACT relative to judgments entered upon forfeited recognizances in the city and county of New York.

PASSED June 1, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

When
judgments
on for-
feited rec-
ognizances
may be va-
cated.

SECTION 1. Any one of the judges presiding at the court of general sessions of the peace in and for the city and county of New York, and any justice presiding at a court of oyer and terminer in said county, in whichever court any recognizance shall have been forfeited, may, upon the certificate of the district attorney of the county of New York, that the people of the state of New York have lost no rights by reason of the failure of a surety to produce a principal in compliance with the terms of a recognizance given by them, and that, by reason of the principal being produced, the said people of the state of New York are in as good a position to prosecute said principal as when such failure occurred, whether such principal has been tried, or whether a nolle prosequi has been entered or not, by order vacate and set aside any judgment heretofore entered or that may be hereafter entered upon the forfeiture of such recognizance against such principal and surety, on payment to the chamberlain of the city of New York of all costs included in such judgment or judgments, and of all ex-

penses incurred in the apprehension or recapture of such principal, and if such fine shall have been paid or the judgment collected, in whole or in part, upon such forfeited recognizance, the same shall be remitted, the officer, district attorney, chamberlain of the city of New York, in whose hands the money remains, must pay the same, or the part remitted, according to the order, retaining the costs, if any, as aforesaid. Repay-
ment of
fine.

§ 2. The clerk of the county where said judgment is docketed, upon the receipt of a duly certified copy of the order of such court vacating, remitting or modifying such judgment, shall enter the same upon his docket, and the judgment referred to in said order shall thereupon be and become vacated, remitted or modified in accordance with the terms of said order. Clerk to
enter
order.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

CHAP. 380.

AN ACT relating to the public place or square known as Washington park in the city of New York.

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The public park, or place, or square in the city of New York, known as Washington square or Washington parade ground, shall (except as hereinafter provided) be used in perpetuity as one of the public parks, or squares, or places of said city, and shall be kept by the department of public parks in proper order, ornamented and protected, for the public use as a public park, and for no other use or purpose whatsoever. Washing-
ton park.

§ 2. The street or roadway through said park, running from Fifth avenue on the north to South Fifth avenue on the southeast, shall be continued in use as one of the public streets of said city under the charge of the department of public works. Street.

§ 3. This act shall take effect immediately.

CHAP. 381.

AN ACT to amend chapter four hundred and three of the laws of eighteen hundred and sixty-eight, entitled "An act to establish and maintain a free bridge between Sag-Harbor and North Haven in the town of Southampton, Suffolk county, and to make such bridge a county charge."

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and three of the laws of eighteen hundred and sixty-eight, entitled "An act to estab-

lish and maintain a free bridge between Sag-Harbor and North Haven in the town of Southampton, Suffolk county, and to make such bidge a county charge," is hereby amended so as to read as follows:

Tax for repairs and maintenance of bridge.

Money to whom paid, etc.

§ 2. The board of supervisors of Suffolk county shall annually cause to be raised and levied upon said county, in the same manner as other county charges are raised and levied, such a sum of money as they shall deem necessary to keep in repair and maintain the said bridge, and such money, when collected, shall be paid to the commissioners of highways of the town of Southampton to be expended upon said bridge.

§ 2. This act shall take effect immediately.

CHAP. 382.

AN ACT to amend chapter six hundred and sixty-four of the laws of eighteen hundred and seventy-three, entitled "An act to organize the village of Monticello into a separate school district, and to provide for the purchase of a site and erection of a school edifice."

PASSED June 1, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter six hundred and sixty-four of the laws of eighteen hundred and seventy-three, entitled "An act to organize the village of Monticello into a separate school district, and to provide for the purchase of a site and erection of a school edifice," is hereby amended so as to read as follows:

Trustees, etc., election of.

Treasurer and collector to execute bond.

§ 2. There shall be elected on the first Monday of July, eighteen hundred and seventy-three, and thereafter annually on the second Tuesday of October, three freeholders, who shall be trustees of said district, and who shall form a board of education; also a treasurer, a collector and a clerk. The treasurer and collector shall execute a bond, respectively, to the trustees, in such sum as the trustees may direct, conditioned for the faithful discharge of their duties.

§ 2. Section four of said act is hereby amended so as to read as follows:

Trustees may purchase site for school-house.

May sell present site.

§ 4. The trustees elected at the annual election held on the second Tuesday of October, eighteen hundred and seventy-seven, are hereby authorized to purchase, or to acquire in the manner prescribed in chapter eight hundred of the laws of eighteen hundred and sixty-six, so much land, not exceeding one acre, lying contiguous to the present site, or elsewhere in the district as they may deem necessary, for the purpose of erecting a school edifice thereon, the title whereof shall be vested in the said trustees and their successors. Said trustees are also authorized to sell the present site, or any part thereof, and convey the same.

§ 3. Section five of said act is hereby amended so as to read as follows:

Tax for purchase of site and

§ 5. For the purpose of raising money to purchase land as a site and to erect necessary buildings and fixtures, the said trustees are

hereby authorized to levy, raise and collect on the real and personal property liable to taxation in said district, an amount not exceeding five thousand dollars, in such installments and at such times as they shall deem advisable, in the same manner and with the like authority as that in and by which other school district taxes are raised, levied and collected, and to make out their tax list and warrant for the collection of such tax or installments. The money when collected shall be paid over to the treasurer of the district, and by him disbursed only upon the written order of the trustees.

erection
of build-
ings, etc.

§ 4. Section six of said act is hereby repealed.

Repeal.

§ 5. This act shall take effect immediately.

CHAP. 383.

AN ACT relating to certain indebtedness of the city of New York, and to provide for the payment and cancellation of the same.

PASSED June 8, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fund known as "the sinking fund of the city of New York, for the redemption of the city debt," shall be continued, and any excess there may be in said fund, after providing for the payment of the bonds and stocks of said city, payable therefrom, as provided by law, shall form a fund for the payment of other bonds and stocks of said city and county, as by this statute provided. All moneys and revenues of said city heretofore pledged and appropriated to and constituting and founding said sinking fund shall continue to be and the same are hereby pledged and appropriated to said fund until all of said bonds and stocks of the said city shall be fully and finally redeemed.

Redemp-
tion sink-
ing fund.

§ 2. The fund known as the "sinking fund of the city of New York, for the payment of the interest accruing and to accrue upon the stocks of said city, until the same be fully and finally redeemed," shall be continued, and after providing for the payment of the interest on the bonds and stocks of said city, now payable therefrom as provided by law, shall form a fund which shall be transferred after the year eighteen hundred and seventy-eight, to the "sinking fund for the redemption of the city debt," and which transferred fund is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last-mentioned sinking fund, until all the bonds and stocks of said city as aforesaid, are fully redeemed and paid.

Interest
sinking
fund when
to be
trans-
ferred to
redemp-
tion fund.

§ 3. All moneys now in the treasury of said city heretofore collected and received in payment or on account of assessments made and confirmed for local improvements in said city, and all moneys which shall hereafter be collected and received in payment or on account of assessments made and confirmed or which may be made and confirmed, for local improvements completed prior to the passage of this act, shall be paid into the said sinking fund for the redemption of the city debt, and the same is hereby, in addition to the revenues and moneys aforesaid, pledged and appropriated to said last-mentioned sinking fund for the payment of the bonds and stocks of said city, to be paid and redeemed therefrom as hereinbefore provided.

Moneys
from as-
sessments
for local
improve-
ments to
be paid
into re-
demption
fund.

Contract
between
city and
creditors.

§ 4. Between the city and its creditors, holders of its bonds and stocks as aforesaid, there shall be and there is hereby declared to be a contract that the funds and revenues of the city and the funds to be collected from assessments as aforesaid, by this statute pledged to the sinking fund for the redemption of the city debt, shall be accumulated and applied only to the purposes of said sinking fund, until all of said debt is fully redeemed and paid, as herein provided.

Sinking
fund not
to be alien-
ated or im-
paired.

§ 5. Nothing in this act contained shall be held to require or authorize the commissioners of the sinking fund to use or apply any part or portion of the accumulations in said sinking fund for the redemption of the city debt or the revenues of said fund, in any manner whatever, whereby the security of said fund, for the payment of the bonds and stocks of said city, for which said fund is now pledged by law, and which are a charge on said fund, shall be alienated or impaired, and the said bonds and stocks, so secured by law, are hereby declared to constitute a preferred charge on said sinking fund until the same are fully and finally paid and redeemed.

Preference
of lands
and
stocks.

Commis-
sioners
may call
in bonded
debt.

§ 6. The commissioners of the sinking fund are hereby authorized and empowered to call in, pay and redeem any portion of the bonded debt now a charge upon the treasury of the said city, other than revenue bonds issued in anticipation of the collection of taxes, when they may deem it to be advantageous for the interests of the city so to do, and for this purpose the said commissioners of the sinking fund are hereby empowered to authorize by a concurrent vote, and direct the comptroller to issue and sell or exchange therefor, at not less than par, "consolidated stock" of said city, payable within a period of not less than twenty, nor more than fifty years from the date of issue thereof, and at a rate of interest not exceeding five per cent per annum, payable semi-annually; and upon the payment and redemption of any portion of said bonded debt the certificates thereof shall be canceled by said commissioners. The "consolidated stock" of said city, issued as by this section authorized, after fully providing for the preferred bonds and stocks of said city, as in the preceding section specified, shall form a charge upon the said sinking fund for the redemption of the city debt, and any part of said bonded debt falling due not exchanged for or redeemed from the proceeds of consolidated stock as herein provided, may be paid from said sinking fund for the redemption of the city debt, provided such payment shall not in any way impair the preferred claims thereon, as in the preceding section specified, and provided, also, the commissioners of the sinking fund shall deem it to be for the best interests of the city that such payment should be so made.

Bonds and
stocks to
be paid
from sink-
ing fund.

When
fund is in-
sufficient
deficit to
be in-
cluded in
annual
estimate.

§ 7. From the said sinking fund for the redemption of the city debt shall be paid and redeemed all preferred bonds and stocks of said city for the payment or redemption of which said fund is pledged, as aforesaid, and other bonds and stocks of said city as by this statute authorized, and whenever and as often as the commissioners of said sinking fund shall certify to the board of estimate and apportionment of said city that the accumulations in said sinking fund shall not be sufficient to meet the payment of any bonds or stocks falling due in the next following calendar year, it shall be the duty of said board, and it is hereby required, to include in the annual estimate for such year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, such an amount to be applied to the payment of said bonds or stocks as shall be certified by said commissioners, and

the amount so included in said estimate shall be paid into said sinking fund and applied as in this section specified; provided, however, that Proviso. the amount so to be raised by tax and paid into the sinking fund, as in this section provided, shall not in any one year be less than the sum of one million dollars, nor more than two million dollars.

§ 8. For the payment of all bonds and stocks of the said city hereafter issued pursuant to the provisions of any statute authorizing the same, and which by the provisions of such statute are payable from taxation—other than revenue bonds issued in anticipation of the collection of taxes—there shall be included in said annual estimate each year, to be raised by tax on the estates, real and personal, in said city, subject to taxation, a sum sufficient, with the accumulation of interest thereon, to meet and discharge the amount of said bonds or stocks by the time the same shall be payable as such sum shall be certified to the said board of estimate and apportionment by the comptroller, and which sum so raised by tax shall be paid annually, on the first day of November, to the commissioners of the sinking fund, and shall be invested by them in the same manner as the revenues pledged to the sinking fund for the redemption of the city debt. Money for payment of stocks and bonds hereafter issued, how raised.

§ 9. Assessment bonds of said city hereafter issued pursuant to law to provide for the expense of local improvements contracted for or commenced after the passage of this act, and which expense is to be assessed upon the property benefited, shall be issued by the comptroller of the city when authorized by the board of estimate and apportionment, at not less than par, for such period as said comptroller may determine, not exceeding ten years, and bearing interest not exceeding six per cent per annum. Assessment bonds.

§ 10. Whenever any bonds or stocks herein authorized to be issued, or any bonds or stocks of the city of New York, as provided by law, shall be hereafter issued, other than revenue bonds, or such bonds and stocks as may be purchased for investment by the commissioners of the sinking fund, the comptroller of said city shall invite proposals therefor by public advertisement for not less than ten days, and shall award the same to the highest bidder therefor; provided that no proposals for bonds or stocks shall be accepted for less than the par value of the same; and said proposals shall be only publicly opened by the comptroller in the presence of the commissioners of the sinking fund, or such of them as shall attend, at the time and place specified in the advertisement thereof. The comptroller, with the approval of said commissioners, shall determine what, if any, part of said proposals shall be accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted, respectively, certificates therefor shall be issued to them as authorized by law. Proposals for bonds and stocks hereafter issued.

§ 11. This act shall take effect immediately.

CHAP. 384.

AN ACT to further amend chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty.

PASSED June 3, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Disposi-
tion of
children
who are
crippled,
ill, etc.

SECTION 1. Section four of chapter one hundred and twenty-six of the laws of eighteen hundred and twenty-four, entitled "An act to incorporate the society for the reformation of juvenile delinquents in the city of New York," as amended by chapter two hundred and forty-one of the laws of eighteen hundred and sixty, is hereby further amended by adding thereto the following words: If any child now in the house of refuge, or who may hereafter be committed to it, is a cripple, or is deaf, blind, epileptic or imbecile, or becomes so while an inmate of the house of refuge, or if the health of any such child is or shall become impaired so that, in the judgment of the managers, such child is an improper subject for retention in the house of refuge, the managers may, in their discretion, notify the parents or guardian of the condition of such child and request the parent or guardian to remove such child from the institution. If the parent or guardian so notified fails to remove such child within fifteen days after the notice is given, or if there should be no such parent or guardian known to the managers, then the superintendent of the poor of the county whence such child was committed shall, on a written request of the managers, remove such child without delay, at the expense of the said county.

§ 2. This act shall take effect immediately.

CHAP. 385.

AN ACT to provide means for the equipment and furnishing of the building erected on that portion of the Central park, in the city of New York, east of the old receiving reservoir, under the provisions of chapter two hundred and ninety of the laws of eighteen hundred and seventy-one for the purposes of a museum and gallery of art, and for removing thereto and establishing therein the collections of the metropolitan museum of art.

PASSED June 3, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Museum
and gallery
of art.

SECTION 1. The board of commissioners of the department of public parks in the city of New York is hereby authorized to equip and furnish the building now erected upon that portion of the

Central park, in the city of New York, east of the old receiving reservoir and bounded on the west by the drive, on the east by the Fifth avenue, on the south by a continuation of Eightieth street and on the north by a continuation of Eighty-fifth street under the provisions of section two, chapter two hundred and ninety of the laws of eighteen hundred and seventy-one, in a suitable manner for the purposes of a museum and gallery of art by the metropolitan museum of art as specified in said section and chapter, and with the consent and co-operation of the metropolitan museum of art to remove the collections of said museum to and establish the same in said building.

§ 2. The board of estimate and apportionment of the city of New York is hereby authorized to include in the tax levy of the said city for the years eighteen hundred and seventy-nine and eighteen hundred and eighty such an amount not exceeding the sum of thirty thousand dollars in each year, as shall be certified by resolution of the said board of commissioners of the department of public parks to be necessary for the equipment and furnishing of the building of the metropolitan museum of art, and for the other purposes mentioned in the first section of this act.

Expense thereof to be included in tax levy.

§ 3. This act shall take effect immediately.

CHAP. 386.

AN ACT to amend chapter four hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February twenty-seven, eighteen hundred and seventy-one; and also an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also, to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay the necessary mains therefor, and to deliver it at higher elevation.

PASSED June 3, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February twenty-seven, eighteen hundred and seventy-one, and also an act to re-enact and amend the same, passed April six, eighteen hundred and seventy-one; also to extend the distribution of Croton water through the city of New York, including the two new wards, and to lay necessary mains therefor, and to deliver it at higher elevation," passed May twenty-eight, eighteen hundred and seventy-five, is hereby amended so as to read as follows:

Croton
water, en-
larging
distribu-
tion of.

§ 2. The commissioner of public works of the city of New York, when thereunto authorized by a three-fourths vote of all the members elected to the common council of said city, to be approved by the mayor of said city, is hereby authorized to expend, for materials and labor and other services, in such manner as the said commissioner shall deem for the best interests of said city, in laying pipes to extend and enlarge the distribution of Croton water throughout the city of New York, including the two new wards, and to furnish a sufficient supply thereof to the institutions in charge of the department of public charities and correction, located on Blackwell's island, Ward's island and Randall's island, and in laying mains and erecting or constructing such structures and fixtures as the said commissioner of public works may deem necessary to deliver said water at higher levels and in greater quantities, an additional sum not exceeding one million five hundred thousand dollars.

§ 2. This act shall take effect immediately. .

CHAP. 387.

AN ACT to legalize the action of the annual town meeting of the town of Johnstown, in the county of Fulton, held on the twelfth and thirteenth days of February, eighteen hundred and seventy-eight, in raising money for roads and bridges and authorizing the collection thereof.

PASSED June 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Action of
town
meeting
in raising
money for
roads, etc.,
legalized.

SECTION 1. The action of the annual town meeting held in the town of Johnstown, in the county of Fulton, on the twelfth and thirteenth days of February, eighteen hundred and seventy-eight, at which a resolution was passed to raise on the taxable property of said town, the sum of two thousand five hundred dollars for roads and bridges in said town ; also, a resolution to raise upon the taxable property of said town the sum of two thousand five hundred dollars for the purpose of building a bridge over the Bennett corner creek at the north end of Broad street in the village of Gloversville ; also, a resolution to raise on the taxable property of said town, the sum of three thousand dollars for the purpose of widening the bridge across the Cayadutta creek at the west end of Main street in the village of Johnstown, is hereby legalized and confirmed.

Supervisors to add
amount to
sum to be
assessed.

§ 2. The board of supervisors of the county of Fulton shall, at their next annual session, add the aggregate amount authorized to be raised by the preceding section to the sum required to be assessed upon the taxable property of the said town of Johnstown. The same shall be assessed, levied and collected in the same manner and in the same proportion as are other expenses of said town.

§ 3, This act shall take effect immediately.

CHAP. 388.

AN ACT to authorize the appointment of a clerk by the coroners of the county of Kings.

PASSED June 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The coroners of the county of Kings may appoint a clerk who shall receive an annual salary of twenty-five hundred dollars per annum which shall be a county charge and payable as other county salaries are paid.

§ 2. This act shall take effect immediately.

CHAP. 389.

AN ACT to create a police pension fund for disabled and retired policemen in the city of New York.

PASSED June 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The police commissioners of the city of New York are hereby constituted a board of trustees of the police pension fund created by this act. They shall organize as such board by choosing one of their number to be chairman, and by appointing a secretary. The treasurer of the board of police commissioners shall be treasurer of the board of trustees. Such board of trustees shall have charge of and administer said fund, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises, and to make payments from said fund of pensions granted in pursuance of this act, and also pensions now charged on said fund by or under existing laws, and said board of trustees shall be the legal successors of the trustee or trustees of the police life insurance fund now in existence. The said trustees shall, from time to time, establish such rules and regulations for the administration of the police pension fund as they may deem best. They shall report in detail to the common council of the city of New York, annually, in the month of January, the condition of the police pension fund, and the items of their receipts and disbursements on account of the same. No payments whatever shall be allowed or made by said trustees, as reward, gratuity or compensation, to any person for salary or services rendered to or for said board of trustees.

§ 2. The police pension fund, and all moneys, securities, revenues and incomes thereof, in whose hands soever the same may be, shall be paid over and delivered on demand to the trustees of said fund hereby constituted.

Trustees.

Treasurer.
Powers of trustees.

Rules.

Report.

No payments to be made for services.

Fund to be paid to trustees.

What fund
to consist
of.

Police life
insurance
fund.

Fines.

Rewards,
etc.

Lost or
stolen
property.

Deduction
from pay
of police.

Trustees
may grant
pension.

To widow.

Children.

Disabled
police-
men.

Superan-
nuated
police-
men.

Ib.

§ 3. The police pension fund shall consist of:

First. The capital, income, interest, dividends, cash deposits, securities and credits now belonging to said police life insurance fund, with the addition thereto from time to time of,

Second. All fines imposed by the board of police upon members of the police force, and

Third. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force for account of police services, except such as shall be allowed by the board of police to be retained by said member; and

Fourth. All lost or stolen money remaining in the hands of the property clerk for the space of one year, and for which there shall be no lawful claimant, and moneys arising from the sale by the said property clerk of unclaimed property; and

Fifth. A sum of money equal to three dollars per month for each member of the police force, to be paid monthly by the treasurer of the board of police commissioners to the treasurer of the board of trustees of the police pension fund from moneys deducted from the pay of members of said force on account of lost time.

§ 4. The board of trustees of the police pension fund created by this act shall have power to grant pensions, as hereinafter provided, to any member of the police force of said city at the time of the passage of this act, or to any person who may hereafter become a member of the police force, to be paid from the police pension fund, by the board of trustees thereof, as follows:

First. To the widow of any member of the police force at the time of the passage of this act, or who may hereafter become a member of the police force who shall have been killed while in the actual performance of police duty, or shall have died from the effects of any injury received whilst in the actual discharge of such duty, or who has died or shall hereafter die after ten years of service in the police department of the city of New York, provided such death shall not have been caused by misconduct on his part, a sum of three hundred dollars per annum.

Second. To any child or children under eighteen years of age of such member of the police force killed or dying as aforesaid, but leaving no widow, or, if a widow, then after her death to such child or children, being yet under eighteen years of age, the sum not exceeding three hundred dollars per annum.

Third. To any such member of the police force who, whilst in the actual performance of police duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfitted to perform full police duty, a sum not to exceed one-half nor less than one-fourth of his rate of compensation per annum.

Fourth. To any such member of the police force of said police department who shall, after ten years' membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of three hundred dollars per annum.

Fifth. To any such member of the police force who shall, after fifteen years of membership, become superannuated by age, or rendered incapable of performing full police duty by reason of disability or disease contracted without misconduct on his part, a sum of four hundred dollars per annum.

§ 5. Any such member of the police force who has or shall have performed police duty for a period of twenty years or upwards upon his own application or upon the certificate of the board of surgeons of the department of police certifying that such policeman is permanently disabled so as to be unfit for police duty may, in the discretion of the board of police by resolution unanimously adopted by a full board, be retired from service and placed upon the police pension roll, and thereupon shall be awarded, granted and paid from said police pension fund, by the trustees thereof, an annual sum during his life-time not exceeding one-half nor less than one-fourth the full pay of a member of said police force of the rank of the member so retired, provided, however, that no pension granted under the provisions of this act shall exceed the sum of one thousand dollars per annum. Pensions granted under this section shall be for the natural life of the officer, and shall not be revoked, repealed or diminished. In case any officer shall have voluntarily left the police department and entered into the United States service and served during the war of the rebellion and received an honorable discharge and afterwards shall have been reinstated in the police department, the time of his service in the army shall be considered as a portion of his service in the police department.

Retired
police-
men.Officers
who left
the force
to volun-
teer in the
army.

§ 6. Pensions to widows shall terminate when the widow shall remarry, and pensions to children shall terminate whenever the children shall respectively arrive at the age of eighteen years. The board of police may, in its discretion, order any pensions granted or any part thereof to cease, except members of the police force retired after twenty years' service, as provided in section five of this act, but in all such cases the said board of police shall file with the trustees of the police pension fund a written statement of the causes which determined them in ordering any pension to so cease, and nothing herein or in any other act contained shall render the granting or payment of such pension obligatory on the board of police or upon the trustees of the police pension fund, or chargeable as a matter of right upon said police pension fund, except as provided in section five of this act.

When pen-
sions to
terminate.

§ 7. In determining the term of service of any member of the police force under the provisions of this act, continuous service in the late metropolitan force department, and subsequently in the police department of the city of New York, shall be counted and held to be police service in the police department of the city of New York for all the purposes of this act.

Term of
service,
how de-
termined.

§ 8. No member of the police force shall be awarded, granted, or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the board of surgeons of the department of police, which shall set forth the cause, nature and extent of the disability, disease or injury of each member of the police force who may be placed upon the pension roll, and said certificate shall distinctly state whether or not such disability, disease or injury was incurred or sustained by said member of the police force in the performance of police duty; and such certificate shall in each case be filed with and entered upon the minutes of the board of police.

Pensions
to police
force to be
granted on
certificate
of sur-
geons of
depart-
ment.

§ 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

§ 10. This act shall take effect immediately.

CHAP. 390.

AN ACT to amend chapter two hundred and sixty-four of the laws of eighteen hundred and fifty-one, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath, in the county of Steuben.' "

PASSED June 4, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section ten of title five of chapter two hundred and sixty-four, of the laws of eighteen hundred and fifty-one, entitled "An act to amend an act entitled 'An act to incorporate the village of Bath in the county of Steuben,' " is hereby amended so as to read as follows:

Village a separate highway district.

Trustees to have power of highway commissioners.

Proceedings for opening or altering streets, etc.

Petition.

Trustees to decide thereon.

Description of lands to be taken, etc., to be posted.

Service of notice upon land owners.

Hearing.

Decision of trustees.

§ 10. The village of Bath shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one, except the board of trustees, who shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways of towns in this state, subject to this act and, as such, they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise improve roads, avenues, streets, public parks or squares, lanes, crosswalks or sidewalks; and for that purpose may take and appropriate any land in said village; but no road, avenue, street, lane or sidewalk, shall be opened or altered, unless all claims for damages on account of such opening or altering shall be released without remuneration, except on the written petition of at least ten freeholders residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state the owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition the trustees shall, and must, meet and examine the same; and, if they decide the improvement shall be made, they shall also decide by resolution, to be entered in the minutes of the board, and they shall thereupon put up, in five public places in said village, a correct description of the lands to be taken to make such improvement, and a notice that the trustees, at a place and on a day, and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objections that may be made to the taking of such land, or making such improvement; a copy of which notice must be served on the owner or owners of such land, at least five days before said meeting, unless said owner is a non-resident of said village; in which case said notice and description must be deposited in the said village post-office, directed to said owner at his place of residence, if known, at least twenty days before such meeting. Any person interested may be heard, and introduce testimony before the board of trustees as to the matter, on the day specified in the notice, or on such other days as the board may appoint. After such hearing, the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the lands described, in the manner provided by this act.

§ 2. Section eleven of said title five of this act is hereby amended so as to read as follows :

§ 11. Whenever any road, avenue, street, square or park, lane or sidewalk is opened or altered, the damages claimed by reason thereof may be determined by agreement between the board of trustees and the person claiming such damages ; but in case the damages are not so determined or released, the board shall, on being notified by the president, as in case of a special meeting, or at a regular meeting, meet and cause a jury of six freeholders to be summoned to determine and award said damages. Five days' notice of the time and place of such meeting shall be given to the owner or owners of such lands, if residents of the village, and if not such residents, then notice shall be sent ten days before such meeting, by mail, directed to the place of residence, if known, of each of such non-residents. The jury shall be sworn to faithfully and impartially execute their duty ; shall examine the premises, hear the proofs and allegations of the parties, and reduce the testimony to writing, if any is taken ; and they shall determine and award to the owner or owners of such lands such damages as they will sustain by the proposed alteration or improvement, after making allowance for any benefit which the said owner or owners may derive therefrom. The determination and award of the jury shall be signed by them and filed in the office of the village clerk, and a copy served on the persons entitled to such award. If no appeal is made within twenty days from the time of such service, the determination and award of such jury shall be final and conclusive on all persons interested. A copy of such award, certified by the clerk, shall be evidence of the same in all courts and places and all actions and proceedings.

Trustees to summon jury to assess damages.

Service of notice thereof.

Jury to examine premises, etc.

Award.

When final.

Copy of award evidence.

§ 3. Section twelve of said title five of said act is hereby amended so as to read as follows :

§ 12. No trustee who is interested in any lands taken for such alteration or improvement shall act with the trustees when sitting as a board to determine the damages, or to summon the jury to award damages for taking such land.

Trustees not to act when interested.

§ 4. Section thirteen of said title five of said act is hereby amended so as to read as follows :

§ 13. Any person interested therein may, within twenty days after notice of the award of the jury, appeal from such award by petition to the county judge of the county of Steuben, praying for the appointment of three commissioners, residing in said county, to review said award of said jury. The person appealing shall execute a bond to the village, in its corporate name, in the penal sum of two hundred and fifty dollars, with two sureties, who shall justify in twice the amount, conditioned for the payment of the fees of the said commissioners and costs of appeal, in case the award of the jury shall not be increased twenty dollars by said commissioners to each party appealing. Filing such bond with, and serving a copy of such petition on, the village clerk, with a notice of the time and place where the same will be presented to the said judge, shall operate as a stay of proceedings until the decision of the commissioners thereon. All persons appealing from the award of the jury for damages, as to one single or continuous alteration or improvement, shall join in one petition, and may execute a joint and several bond in two hundred and fifty dollars, with sureties and conditioned as hereinbefore mentioned, and there shall be but one board of three commissioners appointed to review the award of such

Appeals to county judge.

Bond of appellant.

Stay of proceedings.

Appeals as to continuous improvements.

Hearing.
Commissioners to
review
awards.

Award.

Pay of
commissioners.

Guardians
for infants,
etc.

Assess-
ment of
damages.

Payment
of awards.

Deposit of
awards
due un-
known or
idiotic
owners.

Record by
village
clerk.

jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county, but not in the village, to fill the vacancy. Said commissioners shall meet at said village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them, and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award, the commissioners shall each be paid, by the treasurer of the village, three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made shall, by order, appoint guardians for any infant lunatic or idiot interested in said proceedings.

§ 5. Section fourteen of said title five of said act is hereby amended so as to read as follows :

§ 14. Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the persons acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, which assessment roll shall be signed by the president and filed with the clerk, and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the person to whom the same shall have been awarded ; and in case such owner shall refuse the same or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such case be lawful for the board of trustees to pay the amount of such damages to the county treasurer of said county, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk,

and payable to the order of the person or persons entitled to such money, for the amount due such person or persons.

§ 6. Said title five of said act is hereby further amended by adding thereto the following section:

§ 16. The trustees shall have power to cause such of the streets, lanes, alleys, highways and public squares in said village, or any part or parts thereof, as shall have heretofore been laid out, but not recorded or sufficiently described, and such as shall have been used for twenty years but not recorded, to be ascertained, described and entered on record in a book to be kept by the clerk of said village.

Trustees to cause streets, etc., to be recorded.

§ 7. Nothing herein contained shall affect the rights of any party to any suit or legal proceeding commenced prior to the passage of this act.

Proviso.

§ 8. This act shall take effect immediately.

CHAP. 391.

AN ACT authorizing the city of Binghamton to use a portion of the Chenango canal for a public street.

PASSED June 4, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the first day of June, eighteen hundred and seventy-eight, the city of Binghamton is authorized to take possession of and use that portion of the old Chenango canal lying within the limits of the said city, and to lay out, record, fill in and grade the same as and for a public street, to be known as State street in said city. And for this purpose the said city shall have power to remove all encroachments upon said canal lands and to bring actions in its corporate name to recover possession thereof.

City authorized to use portion of canal for street.

Removal of encroachments, etc.

Release.

§ 2. For the purposes aforesaid, the state releases to the said city of Binghamton that portion of said canal described in the foregoing section, on condition that the city release the state from all obligations to maintain the bridges and other structures on said canal within said city limits.

Conditions.

§ 3. All stone, iron and other material used in the construction of that portion of said canal in said city limits shall remain the property of the state.

Materials.

§ 4. Nothing in this act contained shall affect in any way the legal rights of individuals.

Proviso.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 6. This act shall take effect immediately.

CHAP. 392.

AN ACT to alter the boundary line between the towns of Davenport and Meredith in the county of Delaware.

PASSED June 4, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundary
line,
altered.

SECTION 1. Be it enacted that instead of the present line between the towns of Davenport and Meredith in the county of Delaware it be altered as follows: Beginning at the south corner of the town of Davenport, and runs thence north twenty-eight degrees west, along the line between the towns of Davenport and Meredith, and Davenport and Franklin to the south-westerly corner of rear lot number six of the Franklin township; thence northerly along the southerly line of rear lot number six, eighty-seven chains forty-three links to the south-easterly corner of lot number seventeen in the subdivision of said rear lot number six to a stake and stones; thence north fifty-one degrees thirty minutes east, thirty-nine chains to a pile of stones around a hard maple tree marked N. H. standing on the west side of a road; thence north sixty-nine degrees east fifty-seven chains to a pile of stones by a stone wall on the southerly line of said rear lot number six of the Franklin township near the house of Herbert Barnes; thence on the same course twenty-four chains, twenty-five links to a stake and stones fifty links northerly from a wall at the head of a spring of water; thence south seventy-nine degrees east, one hundred chains to a stake and stones on the lands of George Allen; thence south seventy-two degrees and thirty minutes east, seventy-eight chains twenty-five links to a stake and stones on the lands of Edwin Allen; thence south forty degrees east, thirty-four chains fifty links to a stake and stones on the line between the towns of Davenport and Meredith; thence south-westerly along the present town line to the place of beginning, and that all that part of, and territory of said town of Davenport, lying within the above described boundaries, is hereby taken from said town of Davenport and annexed to said town of Meredith, and shall hereafter form and be a part of said town of Meredith.

§ 2. This act shall take effect immediately.

CHAP. 393.

AN ACT to provide for the erection of an iron bridge at Fourth avenue and the eastern boulevard at One Hundred and Sixteenth street in the city of New York.

PASSED June 4, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

Bridge.

SECTION 1. The commissioner of public works of the city of New York is hereby authorized and directed to construct an iron bridge

at Fourth avenue and the eastern boulevard at One Hundred and Sixteenth street in the city of New York.

§ 2. The cost of said bridge shall be borne equally by the city of New York and the New York and Harlem Railroad Company. Cost, how borne.

§ 3. This act shall take effect immediately.

CHAP. 394.

AN ACT to amend chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-five, entitled “ An act to amend an act entitled ‘ An act to amend an act for the incorporation of companies formed to navigate the lakes and rivers,’ ” passed April fifteenth, eighteen hundred and fifty-four, and to amend an act entitled “ An act to amend an act entitled ‘ An act for the incorporation of companies to navigate the lakes and rivers,’ ” passed April fifteenth, eighteen hundred and fifty-four, passed April fifteenth, eighteen hundred and sixty-one.

PASSED June 5, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act entitled “ An act for the incorporation of companies formed to navigate the lakes and rivers, passed April fifteenth, eighteen hundred and fifty-four, as amended by chapter six hundred and ninety-one of the laws of eighteen hundred and sixty-five, is hereby further amended so as to read as follows:

§ 1. At any time hereafter, any five or more persons, who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering or owning steam, sail or other boats, ships, or vessels, or property, to be used in lawful business, commerce, trade or navigation upon the lakes or rivers, and for the carriage, transportation or storing, of lading, freight, mails, property or passengers on such lakes and rivers, may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the secretary of state, a certificate, in writing, in which shall be stated the corporate name of such company, except that such corporate name shall not be the name of any company which shall have been before formed under this act, and the specific objects for which the company shall be formed, stating particularly the amount of the capital stock of such company, which shall not be more than two million dollars, nor less than three thousand dollars, the term of its existence not to exceed twenty years, the number of shares of which the said stocks shall consist, the number of directors, and their names, who shall manage the affairs of such company for the first year, and the name of the city, or town or county in which the principal office for managing the affairs of such company is to be situated.

Number of corporations and objects of corporation

Certificate where filed.

Contents of certificate.

CHAP. 395.

AN ACT to amend chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo."

PASSED June 5, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of title nine of chapter five hundred and nineteen of the laws of eighteen hundred and seventy, entitled "An act to revise the charter of the city of Buffalo," is hereby amended so as to read as follows :

Opening
and im-
proving
streets,
etc.
Cross-
walks,
sewers,
wharves,
etc.
Connec-
tions with
sewers, gas
and water
pipes.

§ 6. It may cause streets and alleys to be opened, leveled, graded, repaired, cleaned and watered, crosswalks, culverts, sewers, drains, receivers, aqueducts, wharves, piers, canals, slips and basins, to be constructed, enlarged, repaired and cleaned. And whenever a contract shall be entered into for paving or re-paving any street, in pursuance of the provisions of this act, and before such paving or re-paving shall be done, it may cause connection with the sewer, gas and water pipe in front of each lot on such street so to be paved or re-paved, and at such distances apart as may be necessary, to be made and extended to the curbstone, where such connections have not been made.

§ 2. Section nineteen of title nine of said act is hereby amended so as to read as follows :

Contracts
for im-
prove-
ments.

§ 19. The city shall not enter into any contract with any person for the doing or making of a work or improvement at a price exceeding two hundred dollars until they shall have published a notice in five successive numbers of the official paper inviting sealed proposals to do the work or make the improvement pursuant to the plan, specifications or other proper description of the work or improvement on deposit in the office to be specified in the notice (except upon a petition of a majority of the owners of property fronting that portion of the street or alley along which such improvement is proposed to be made when the city may grant the prayer of the petitioners omitting the publication above specified) and shall not enter into a contract for the doing or making any such work or improvement for a price exceeding the sum of five hundred dollars until the assessment therefor has been confirmed, except upon a majority petition of property owners as provided in section eight of this title, when the city may contract for said work upon ordering the improvement petitioned for.

§ 3. This act shall take effect immediately.

CHAP. 396.

AN ACT to confirm the election of village trustees in certain cases, and to provide for and determine by lot their respective terms of office.

PASSED June 6, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- SECTION 1. No election of trustees of any village incorporated since eighteen hundred and seventy-five under chapter two hundred and ninety-one of the laws of eighteen hundred and seventy, entitled " An act to provide for the incorporation of villages held in the year eighteen hundred and seventy-eight, and before the passage of this act, shall be invalid on account of any failure of any of the electors at such election to designate in their ballots the respective terms of office of the persons voted for for such trustees, or on account of any disregard of such designation by the inspectors of such election in declaring the result thereof, but the persons for whom a majority of votes shall have been cast shall be deemed duly elected trustees of said village, and such trustees shall, on or before the first day of June, eighteen hundred and seventy-eight, meet together with the president of such village, and the said president shall, in their presence, determine by lot who of said trustees shall serve for one year and who of them for two years. The smallest majority of said trustees shall serve for two years and the largest minority for one year. The president shall make and file in the office of the clerk of said village a certificate stating the names of said trustees and the term of office of each as so determined.
- § 2. The official acts of the trustees of such village since the annual election in the year eighteen hundred and seventy-five are hereby legalized and confirmed, and shall be deemed of full force and validity.
- § 3. Nothing herein contained shall affect any action or proceeding now pending in any court of this state.
- § 4. This act shall take effect immediately.

Failure to designate term of office not to invalidate election for trustees.

Terms, how designated.

President to file certificate.

Official acts legalized.

Not to affect pending proceedings.

CHAP. 397.

AN ACT to incorporate the Greenport Wharf Company.

PASSED June 6, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

- SECTION 1. E. Hampton Mulford, Foster Pettit, Frederick D. Hughes, and Elizabeth O. Beckwith, and all other persons who may hereafter associate with them in the manner herein prescribed, are hereby constituted a body politic and corporate, by the name and * style of the Greenport Wharf Company for the encouragement of commerce and navigation.

Corporators.

Corporate name and objects.

* So in the original.

Power of
corpora-
tion.

Proviso.

Capital
stock.

Commis-
sioners to
receive
subscrip-
tions.

Directors.

Election
of di-
rectors.

Manner of
voting.

Failure to
elect di-
rectors not
to dissolve
corpora-
tion.

Officers.

By-laws.

Vacancy.

Power of
corpora-
tion.

§ 2. Said corporation shall have the power to maintain and keep in repair their wharf, now located at the foot of Main street, in Greenport, in the town of Southold, and in the county of Suffolk, and extending from high-water mark four hundred and fifty feet into the bay or harbor, and being fifty-five feet wide. But nothing in this section contained shall be held to authorize the said corporation to widen the present line of their said wharf on its east side, so as to encroach upon or interfere with the free use by the public of the village landing on the east side of their said wharf.

§ 3. The capital stock of said corporation shall be six thousand dollars, and be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the by-laws of said corporation shall direct. The directors may appoint three of their number as commissioners to receive subscriptions for said capital stock, at such times and places and under such rules and regulations as they shall prescribe.

§ 4. The business and concerns of said corporation shall be managed by four directors, who shall be stockholders and who (except the first directors hereby appointed) shall hold their offices for one year, and until others are chosen in their places, a majority of whom shall constitute a quorum, and be competent to transact any business of the said corporation. The persons named in the first section of this act shall be the first directors, and shall hold their offices until others are chosen in their places. The first election of directors shall take place on the first Tuesday of June, eighteen hundred and seventy-eight. The directors, except those named in section first of this act, shall be chosen annually by the stockholders of said corporation, at such time and place and on such notice as shall be prescribed by the by-laws of said corporation. At all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by lawful proxy. In case it should so happen that an election of directors shall not be made on the day appointed by the by-laws of the said corporation, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held on any other day which shall be appointed by the directors of the said corporation.

§ 5. The directors shall, as soon as may be convenient, choose out of their own number one president, one secretary, and one treasurer, and may appoint such other officers as they shall deem necessary; and they may make and establish such by-laws, rules and regulations not inconsistent with the laws of this state or of the United States, as they think proper and expedient, touching the disposition and management of the property, estate and effects of the said corporation, the transfer of shares, the duty and conduct of their officers and servants, the election and meeting of the directors, and all matters whatsoever which appertain to the business and concerns of the said corporation. When any vacancy shall occur in the board of directors, it may be filled by the remaining directors.

§ 6. The said corporation shall have power to regulate the lying of ships or vessels at their wharf, and within sixty feet thereof, with power to remove them from one place to another within said limits; to prosecute any person having charge of a vessel lying within the above-named limits who shall refuse or neglect to comply with the orders of the directors or their duly appointed agent, with regard to the removal of the vessel in his charge, and on due proof of such refusal or neglect, to recover before any court in the county of Suffolk, having competent

jurisdiction, the sum of twenty-five dollars; to detain any vessel refusing to pay wharfage, and to remove from their wharf, at the expense of the owner or owners, any articles remaining on the wharf beyond the time limited by the directors, or when, in the opinion of the wharf-master, their remaining would damage the bridges; to establish and collect such rates of wharfage for vessels lying by or making fast to said wharf, and for persons landing articles on or taking articles off said wharf, as shall seem to the directors reasonable and just. The said corporation shall have the general powers and be subject to the provisions prescribed by title three, chapter eighteen, part one of the Revised Statutes.

§ 7. This act shall continue in force until the first day of January, one thousand nine hundred and twenty-six.

§ 8. This act shall take effect immediately.

CHAP. 398.

AN ACT for the relief of John Hogan and to authorize the comptroller of the city of New York to pay the amount which may be found due from said city to said Hogan, for granite furnished for a bridge in said city.

PASSED June 6, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The comptroller of the city of New York is hereby authorized and required to examine into the claim of John Hogan for cut granite stone, supplied to the mayor, aldermen and commonalty of the city of New York for the building of a bridge over Spuyten Duyvil creek, in accordance with the terms of a certain contract made by the said John Hogan with the mayor, aldermen and commonalty of said city in August, eighteen hundred and seventy; and upon proof, which shall be satisfactory to said comptroller, that said cut granite stone was supplied in good faith, and appropriated and used by said city, said comptroller shall audit and certify the amount which he shall find to be justly due as the value of said cut granite stone, and shall report the same to the board of estimate and apportionment of said city, who shall thereupon make an appropriation for the payment of the amount so audited and certified, and the said comptroller shall thereupon draw his warrant upon the treasury of the city of New York for said amount and deliver the same to said John Hogan.

Comptroller authorized to examine claim.

Payment.

§ 2. This act shall take effect immediately.

CHAP. 399.

AN ACT to authorize the Mutual Fire Insurance Company to unite a cash capital, and to provide for its participation in their business.

PASSED June 6, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Company
may unite
a cash
capital.

Examina-
tion by
superin-
tendent of
insurance.

Share-
holders
entitled to
interest on
shares,
etc.

SECTION 1. It shall be lawful for the Mutual Fire Insurance Company, located in the city of New York, to unite a cash capital of not less than thirty thousand dollars, and to open books of subscription for the same in shares of the par value of fifty dollars each, and as soon as the same shall be all subscribed and paid in in cash, the superintendent of the insurance department shall cause an examination to be made either by himself or by his deputies, who shall certify under oath that the said capital has been paid in, and is possessed by said company, and thereafter the shareholders shall be entitled to interest on their respective shares and, without incurring any personal liability by reason thereof, may participate in the profits of the business to such extent as may be provided in the policies of insurance to be issued by said company not to exceed one-fourth of said profits.

§ 2. This act shall take effect immediately.

CHAP. 400.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York."

PASSED June 6, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of chapter three hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to reorganize the local government of the city of New York," is hereby amended so as to read as follows :

Board of
aldermen

Election
of alder-
men.

Aldermen
at large.

§ 4. The board of aldermen now in office shall hold office until the first Monday in January, in the year eighteen hundred and seventy-nine, the same being the term for which they were elected. There shall be twenty-two aldermen elected at the general state election which shall occur in the year eighteen hundred and seventy-eight, three of whom shall be elected in the territory embraced in each senate district as the same existed on the first day of January, eighteen hundred and seventy-eight, and shall be residents of the district in which they are elected, but no voter shall vote for more than two of said aldermen. In the territory comprised within the twenty-third and twenty-fourth wards, there shall be elected one alderman, who may reside in either of said wards. There shall also be elected six aldermen-at-large to be voted for on a separate ballot, but no voter shall vote for more than four of the said aldermen-at-large, and the voters

of the twenty-third and twenty-fourth wards of said city are hereby authorized and empowered to vote for aldermen-at-large. The members of the board of aldermen shall hold office for the space of one year, and shall take office on the first Monday in January next, succeeding their election, at noon. Annually thereafter at the general state election, there shall be elected a full board of aldermen as hereinbefore provided. Any vacancy now existing or which may hereafter occur in the board of aldermen by reason of the death or resignation, or of any other cause, of a member of said board, shall be filled by election by said board by a vote of a majority of all the members elected to said board; and the person so elected to fill any such vacancy shall serve until the first day of January, at noon, next succeeding the first general election occurring not less than thirty days after the happening of such vacancy, but not beyond the expiration of the term in which the vacancy shall occur; and at such election a person shall be elected to serve the remainder, if any, of such unexpired term. From and after the termination of the term of office of the board of assistant aldermen, as herein provided, the board of aldermen shall alone constitute the common council and shall exercise the entire legislative powers of the said city.

Term of office.

Vacancy.

When board of aldermen to constitute common council, etc.

§ 2. This act shall take effect immediately.

CHAP. 401.

AN ACT supplemental to chapter three hundred and six of the laws of eighteen hundred and sixty-two, entitled "An act to prevent and punish fraud in the use of stamps, brands, labels or trade-marks.

PASSED June 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person or persons who, with intent to defraud or to enable another to defraud any person, shall manufacture or knowingly sell or cause to be manufactured or sold, any article or articles marked, stamped or branded or encased or inclosed in any box, bottle or wrapper, having thereon any engraving or engravings or printed labels, stamps, imprints, marks or trade-marks, which article or articles are not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving or engravings, printed labels, stamps, imprints, mark or trade-marks shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for such offense shall forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof in an action to be prosecuted by the district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

Use of false marks indicating manufacture, etc., a misdemeanor.

Penalty, how recovered and applied.

§ 2. Any person or persons who, with intent to defraud or to enable another to defraud any person, shall manufacture or knowingly sell or expose for sale or offer to sell or have in his or her possession, with intent to sell, any article or articles marked, stamped or branded or

Use of false marks as to character or quality of

goods a
misdemeanor.

Penalty,
how recovered
and applied.

encased or inclosed in any box, bottle or wrapper, having thereon printed, marked, stamped or engraved any word or words, sign or signs indicating or denoting or purporting to indicate or denote the quality, grade or character of such article or articles which do not truly indicate, denote or represent the quality, grade or character of such article or articles, shall, upon conviction thereof, be deemed guilty of a misdemeanor, and for each such offense shall forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof in an action to be prosecuted by the district attorney in the name of the people, and the one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

§ 3. This act shall take effect immediately.

CHAP. 402.

AN ACT to authorize the county clerk of Kings county to arrange, assort and repair all judgments, decrees, orders and other papers filed or deposited in Kings county clerk's office, and to record and certify mutilated or injured writings affecting the title to real estate in said county, and providing compensation for his services in that respect.

PASSED June 8, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Clerk may
arrange
and re-
pair cer-
tain
papers,
etc.

Record of
certain
writings.

Effect
thereof.

Compensa-
tion.

SECTION 1. The clerk of Kings county is hereby authorized to arrange, assort and repair all judgments, decrees, orders and other papers filed or deposited in Kings county clerk's office, and to employ a person therefor, at an expense not exceeding four dollars per day for each day actually so employed.

§ 2. The said clerk shall record in the book of miscellaneous records in said office, all such mutilated or injured writings affecting the title to real estate in said county which, in the opinion of the county judge of said county, it may be necessary to have copied for preservation, and shall certify each record to be a complete and perfect copy of the writing so recorded, which record, when so certified, shall, for all purposes, have the same force and effect as the original writing.

§ 3. The said clerk shall receive ten cents per folio for making such records and certificates, which together with the compensation provided in section one hereof shall be audited and allowed by the board of supervisors of the county of Kings.

§ 4. This act shall take effect immediately.

CHAP. 403.

AN ACT to authorize the trustees of Emily L. Shepard to convey lands in the city of New York.

PASSED June 8, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trustees appointed and constituted under a certain deed of trust made and executed by Emily Lawrence, now Shepard, to Walter B. Lawrence and Henry A. Bogert, trustees, dated the thirty-first day of October, eighteen hundred and seventy-four, and recorded in the office of the register of the city and county of New York, on the twenty-second day of May, eighteen hundred and seventy-five, are hereby authorized and empowered to sell and convey to the trustees of the New York and Brooklyn bridge, or to any other person or persons, and the said last-named persons are authorized to purchase and acquire any gore or irregular lots of land in the city of New York, adjacent to said bridge, which sale and conveyance so made shall vest in any such purchaser or purchasers the premises sold in fee simple.

Trustees authorized to sell and convey lands.

§ 2. The purchase-money of any lands sold under the first section of this act shall be invested by the trustees under said trust deed, and be held in and upon the same trusts and applied to and for the same purposes, as in and by said trust deed the lands that may be sold hereunder were directed to be held or the income thereof applied

Purchase-money. how invested.

§ 3. This act shall take effect immediately.

CHAP. 404.

AN ACT to provide for the support, treatment and care of pauper, destitute and delinquent children.

PASSED June 8, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any justice of the peace, boards of charities, police justice or other magistrate to commit any child under sixteen years of age as vagrant, truant or disorderly, to any jail, county poor-house or alms-house, but such justices of the peace, boards of charities, police justices or other magistrates shall commit such child or children to some reformatory or other institution, as provided for in the case of juvenile delinquents; nor shall it be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poor-house or alms-house for support and care, or to retain any child, between the ages of two and sixteen years, in such poor-house or alms-house, but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children in families, orphan asylums, hospitals or other appropriate institutions, as now provided by law.

Where children under sixteen to be committed.

Supervisors to take necessary action.

Religious faith to govern selection of asylum.

Transfer of children for neglect or improper detention.

Penalty.

The boards of supervisors of the several counties and the board of estimate and apportionment of the county of New York are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this act. When any such child is committed to any orphan asylum or reformatory, it shall, if practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

§ 2. Upon the complaint in writing of any two members of the state board of charities, or any one member together with the secretary of the state board of charities, that any such child or children are not properly cared for, or are improperly detained in any institution or family, in the care of which said child or children have been placed and are, the county judge of the county in which such institution is situated, or such family resides, or any justice of the supreme court, shall forthwith, by order in writing, transfer or have transferred such child or children to some organized institution in the same or any other county, but subject always to the other provisions of this act.

§ 3. Any violation of this act is hereby declared a misdemeanor, punishable according to the statute for such offense.

§ 4. This act shall take effect immediately.

CHAP. 405.

AN ACT to regulate the use of certain docks in the city of Albany.

PASSED June 10, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Certain docks may be reserved for certain purposes.

Removal of boats or vessels.

Penalty.

How recovered.

To whom paid.

SECTION 1. Whenever the owners or lessees of any docks in the city of Albany shall maintain and use the same for the purposes required in the loading or unloading of boats by means of a stationary elevator, the docks so owned or leased shall be kept and reserved for the exclusive use and occupancy of the boats so loading or unloading, to the extent necessary for conducting and doing the business in which they are engaged.

§ 2. It shall be the duty of the harbor master of the said city of Albany, in case any boat or vessel (not entitled to do so under the provisions of this act) shall lie alongside any of said docks, to cause such boat or vessel to be removed whenever it shall appear that there is any boat waiting to receive or discharge a cargo by means of such stationary elevator, according to the provisions of the first section of this act, and such harbor master shall have power forthwith to remove such boat or vessel not entitled to the use of such dock under the provisions of this act, and any person whatever who shall resist or oppose such harbor master in the performance of the duties of his office, under this act, shall, for every such offense, forfeit and pay the sum of fifty dollars, to be recovered, with the costs of suit, in the name of such harbor master, in his official capacity, or of his successors in office. All such fines when so collected shall be paid one-half thereof to the proprietors of such stationary elevator, and the remaining half to the board of governors of the Albany hospital, for the use and benefit of such hospital.

CHAP. 406.

AN ACT to fix the compensation of justices of sessions in Monroe county.

PASSED June 10, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The compensation of justices of sessions is hereby established at three dollars for each day's attendance at any court of sessions or court of oyer and terminer, held in and for the county of Monroe, and said justices of sessions shall be entitled to the further sum of five cents per mile for traveling expenses in coming to and returning from said courts at each term thereof, such compensation to be a county charge, and paid by the county treasurer upon the production of the certificate of the clerk of the court, specifying the number of days such justices shall have attended.

Compensation of justices of sessions established.

§ 2. This act shall take effect immediately.

CHAP. 407.

AN ACT to repeal section eight of chapter thirty-six of the laws of eighteen hundred and sixty-three, entitled "An act authorizing the village of West Troy to pave Broad street therein from Auburn street to its southern terminus ; to procure a steam fire engine, and the necessary hose, hose carriage, lot and engine house for the same, and to borrow money for such purposes ; also empowering the said village to light the streets thereof, and directing that the police constables of said village be uniformed and wear the badge of office."

PASSED June 10, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of chapter thirty-six of the laws of eighteen hundred and sixty-three, entitled "An act authorizing the village of West Troy to pave Broad street therein from Auburn street to its southern terminus ; to procure a steam fire engine, and the necessary hose, hose carriage, lot and engine house for the same, and to borrow money for such purposes ; also empowering the said village to light the streets thereof, and directing that the police constables of said village be uniformed and wear the badge of office," is hereby repealed.

Repeal.

§ 2. This act shall take effect immediately.

CHAP. 408.

AN ACT to amend chapter four hundred and seventeen of the laws of eighteen hun * and seventy-seven, entitled "An act to repeal certain acts and parts of acts."

PASSED June 12, 1878.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Amending
Laws 1877,
ch. 417,
repealing
act.

SECTION 1. Subdivision forty-two of section one of chapter four hundred and seventeen of the laws of eighteen hundred and seventy-seven, entitled "An act to repeal certain acts and parts of acts," is hereby amended so as to read as follows :

42. Of the laws of eighteen hundred and sixty-eight.

Chapter five hundred and ninety-six.

All of chapter seven hundred and sixty-five, except sections one, three and four thereof.

§ 2. This act shall take effect immediately.

CHAP. 409.

AN ACT for the preservation of the public peace, the protection of private property, and the maintenance of law and good order in the town of Flatbush, in Kings county.

PASSED June 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Board of
police
commis-
sioners.

Vacancy.

Success-
ors.

Oath of
office.

Classifica-
tion of
terms.

SECTION 1. The supervisor, justices of the peace and town clerk of the town of Flatbush, or a majority of them, shall, within ten days after the passage of this act, appoint five citizens and freeholders of said town, who shall constitute a board of police commissioners, and shall serve without compensation. In case of a vacancy occurring in said board it shall be filled in the same manner as hereinbefore provided for the selection of said members, and the person so appointed shall hold office only for the unexpired term of the member whom he is chosen to succeed. At the expiration of the term of any of the members of the said board, their successors shall be appointed in like manner, and shall hold office for the term of five years.

§ 2. The board of police commissioners for said town shall, within five days after they are notified of their appointment by the town clerk, subscribe to and take the constitutional oath of office, and the town clerk shall file the same in his office. Upon the qualification of a majority of the members of said board, they shall meet at the town hall, and proceed to select by lot one of their number, who shall serve for one year, one who shall serve for two years, one who shall serve for three years, one who shall serve for four years, and one who shall serve

* So in the original.

for five years; and they shall also select one of their number president of the board and one as treasurer. President.

§ 3. The said commissioners shall have power to employ such men as they shall, from time to time, deem necessary, not exceeding ten in number, as policemen for said town, who, during the time they shall be so employed, shall have the same powers and duties for the preservation of the public peace, the protection of private property, the prevention of disorder, the suppression of crime, the apprehension of offenders, and the execution of criminal process as are now possessed by law by constables of the said town and policemen of the city of Brooklyn, in said county, subject, however, to the rules, regulations and orders of said commissioners. Police-
men.

Powers
and
duties.

§ 4. The said commissioners shall, from time to time, prescribe the duties of the said policemen under this act, the uniform to be worn and the compensation to be paid to them; and they may also determine such other incidental expenses as may be necessary in their judgment to carry out the provisions of this act, subject to the limitations hereinafter provided. Commis-
sioners to
prescribe
duties of
police-
men, etc.

§ 5. They shall also make a statement to the board of supervisors of the said county, at its next annual meeting hereafter, of the amount necessary to pay the expenses of said commissioners under this act, for the fiscal year commencing on the day of the annual town-meeting in the year eighteen hundred and seventy-eight; and they shall also, at the same time, and at each annual meeting of said board of supervisors thereafter, make a like statement of such amount, not exceeding five thousand dollars, as they shall consider to be necessary for the fiscal year commencing on the day of the annual town meeting next after such annual meeting of the supervisors, and the said board of supervisors shall cause the amounts in the said several statements named to be levied in the annual taxes next thereafter levied or assessed on the real and personal estate taxable in said town, and to be collected therewith, and shall direct the amount so levied to be paid to the said commissioners, who shall expend the same, or so much thereof as they shall deem necessary for the purposes of this act; and it shall be the duty of the said commissioners to render an account under oath to the board of town auditors of said town, at each annual meeting held by them for auditing the accounts of town officers, of the amount received and expended by them, under the provisions of this act, together with vouchers for all sums paid out by them. State-
ments to
board of
supervis-
ors.

Supervis-
ors to
cause
amounts
to be
levied, etc.

Verified
account to
board of
town
auditors.

§ 6. The term commissioners in this act shall be construed to refer to, and to mean the said board of police commissioners; and a majority of all the members of said board shall possess and exercise all the powers and duties hereby conferred and devolved upon said commissioners. Definition.

§ 7. This act shall take effect immediately.

CHAP. 410.

AN ACT to improve Flushing Avenue, Long Island City.

PASSED June 12, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners.

SECTION 1. William C. Wilson, James R. Bennett, F. D. Knowen-
hoven, William Steinway and W. Remsen Taylor are hereby appointed
commissioners without compensation to widen and improve Flushing
avenue, from Van Alst avenue to the easterly boundary line of Long
Island City. Said commissioners and their successors shall be known
as the Flushing Avenue Improvement Commissioners. They shall act
as a board of commissioners and shall keep minutes of all their meet-
ings and proceedings. A majority of them shall constitute a quorum ;
and the vote or concurrence of a majority shall be necessary for the
execution of any contracts or the transaction of any business. On or
before the first Monday of February in each year said commissioners
shall make a written report to the Mayor of Long Island City, of their
proceedings, during the year ending with the thirty-first day of Decem-
ber previously.

Title.
Minutes to
be kept.
Quorum.

Report to
mayor.

Commis-
sioners to
widen
avenue,
etc., in ac-
cordance
with cer-
tain map.

§ 2. Said commissioners are hereby authorized, empowered, and
directed to widen Flushing avenue within the limits aforesaid, to the
uniform width of sixty-five feet, in accordance with and as laid down
upon a certain map filed in the office of the city clerk of Long Island
City, on the twenty-eighth day of March, eighteen hundred and seventy-
eight, and in the office of the clerk of the county of Queens on the
sixth day of May, in the year eighteen hundred and seventy-eight, made
by James Otis, civil engineer, dated March twenty-third, eighteen hun-
dred and seventy-eight, and entitled, "Map showing the lines and
grades of Flushing avenue, from Van Alst avenue to the easterly bound-
ary line of Long Island City," and to bring said Flushing avenue
within said limits to the grade shown therefor on said map, and to
construct any culverts, sluices, basins, gullies and water-ways, on, along
or across said avenue, within said limits, which they may deem neces-
sary for the preservation of the improvements to be made under the
provisions of this act. Upon the occurrence of any vacancy occasioned
by the death, resignation or other disability of any of said commis-
sioners, or their successors, such vacancy may be filled by the remain-
ing commissioners ; and until so filled any duties hereby imposed upon
said commission may be discharged by the remaining commissioners.

Vacancies,
how filled.

Powers
and duties
of com-
missioners.

§ 3. For the purpose of widening said avenue within the limits afore-
said, said commissioners and their counsel shall have and possess,
respectively, the same functions, rights and powers, and discharge the
same duties as are granted to and devolved upon the common council
of said city, and the attorney and counsel to the corporation by chap-
ter four hundred and sixty-one of the laws of eighteen hundred and
seventy-one, entitled "An Act to revise the charter of Long Island
City," and the several acts amendatory thereof, except that none of the
provisions of sections one and two, of chapter two of title three of said
act, shall apply to any proceeding authorized by this act. Application
for the appointment of commissioners of estimate and assessment may
be made to the county court of Queens county at any term thereof, or

Applica-
tion for
commis-
sioners of

to the supreme court at any special term thereof in the counties of Queens or Kings. Any application to confirm any report of the commissioners of estimate and assessment, or any other motion with regard thereto, if made to the supreme court, may be made in either of said counties.

§ 4. All work under this contract, and all materials requisite therefor, shall be done and furnished by contract or contracts founded on sealed bids or proposals, made on public notice by advertisement, for at least ten days, in one or more newspapers published in Long Island City, which notice shall specify the time and place for receiving and publicly opening such proposals; and such contract or contracts, when awarded, shall be given to the lowest responsible bidder giving adequate security satisfactory to said commissioners; but said commissioners may reject any bid not deemed by them to be for the public interests. All contracts shall contain such terms, conditions, provisions and restrictions as shall seem desirable to the commissioners, for the proper security and advantage of the property-owners, in regard to the work to be done and the materials to be furnished thereunder. Should any contractor fail to comply with the provisions of his contract, the commissioners may, in their option, abrogate and annul such contract, and advertise anew for carrying out the unfinished part thereof, and make a new contract or contracts therefor, until the entire improvements shall be finished; and said commissioners shall have full discretionary power in the interest of the property-owners, in the prosecution of the improvements in their dealings with the contractors, and in enforcing their rights against contractors, to the end that said improvements may be completed in the most speedy, advantageous and economical manner.

§ 5. In order to pay for the several improvements (inclusive of such widening) authorized by this act, together with the incidental expenses of making the same, said commissioners are hereby authorized and empowered to issue certificates of indebtedness, which shall be known as the Flushing Avenue Improvement Certificates. Such certificates may be issued in direct payment for such improvements and expenses, or they may be sold or negotiated by the commissioners to obtain money to pay therefor, or for any part thereof, as said commissioners may deem most advantageous. Such improvement certificates may also be sold by said commissioners to obtain money to pay interest on outstanding certificates whenever they shall deem it necessary so to do, and all money realized from the sale of certificates shall be forthwith deposited with the treasurer and receiver of taxes of Long Island City, to the credit of the Flushing Avenue Improvement Fund, hereinafter provided for. The commissioners shall determine the form and denominations of the certificates, except that they shall be payable to bearer; shall pass by delivery; shall bear interest at seven per cent per annum payable semi-annually, shall be redeemable out of the said Flushing Avenue Improvement Fund; shall be receivable at all times at par and accrued interest in payment of any assessments hereby authorized and of the interest thereon; and also except that it shall appear upon them that they are issued under the provisions of this act. They shall be signed by the commissioners or a majority of them, and countersigned by the treasurer of Long Island City, on the written requisition of the board. It shall be lawful, however, for the owner or holder of any certificate issued under this act, to render the same non-negotiable, except by the owners or hold-

estimate, etc., to what court made.

Work, etc., to be done by contract.

Notice.

Award of contracts.

Terms, conditions, etc.

Commissioners may annul contracts, etc.

Discretionary power of commissioners.

Certificates of indebtedness.

How certificates may be made non-negotiable.

er's indorsement, by indorsing thereupon and subscribing a statement that said certificate is the property of such owner; and thereupon the principal sum of money mentioned in said certificate shall only be payable to said owner or his legal representatives or assigns.

Record of
certifi-
cates to be
kept.

Cancell-
ation.

Entry to
be made.

Record to
be open to
inspection.

Cost to be
certified to
commis-
sioners of
estimate,
etc.
Commis-
sioners of
estimate,
etc., to
widen av-
enue, etc.

Amend-
ment of
acts and
certifi-
cates.

Intention
of this
act.

§ 6. Said board of commissioners and said treasurer shall each keep an accurate record showing the number of each certificate issued, its date, par value when countersigned, date of issue, and when interest thereon is payable. On receiving any certificate in payment of any assessment or interest, or by purchase as hereinafter provided, the treasurer shall permanently and effectually cancel and deface the same and enter in separate columns on his record opposite to and on the same line with the record of its issue, the date of its reception or purchase, the accrued interest thereon, the amount of principal and accrued interest, the rate and amount of discount, if any, at which such certificate was purchased, the amount paid or allowed therefor, and if received in payment of any assessment or interest, a brief description of the property covered by the assessment upon which such payment was made. Like entries shall also be made in the record kept by said commissioners, and said treasurer and said commissioners shall interchange such statements or reports as will enable them to fill up and complete their respective records daily. Each of such records shall be open during ordinary business hours to the inspection of any holder of certificates, or any owner of property assessed for such improvements.

§ 7. The cost or approximate cost of such improvements as estimated and ascertained by said Flushing Avenue Improvement Commissioners, shall be certified by them to said commissioners of estimate and assessment as soon as practicable after their appointment. Said commissioners of estimate and assessment shall thereupon proceed to widen said avenue, and to assess therefor and for the cost of such improvements and incidental expenses, as so certified, under and pursuant to the provisions of, and as prescribed by chapter two, of title three of chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, irrespective, however, of the first two sections thereof, and such proceedings shall thereupon, and thereafter be had, for correcting and confirming such assessment, as are therein prescribed with respect to assessments for like purposes levied under the provisions of said act exclusively, and said assessments shall be levied upon, and shall be a lien upon the same property, and to the same extent, and collection thereof may be enforced, except where otherwise provided by this act, as therein prescribed, and the acts and certificates of the said Flushing Avenue Improvement Commissioners as affecting any assessments may be amended, if any errors or irregularities be discovered therein, and their amended acts and certificates shall have the same force and effect as their original acts and certificates, and it is declared to be the intention of this act that the fullest power of amendment shall be vested in said Flushing Avenue Improvement Commissioners, and in said commissioners of estimate and assessment, so as to promote substantial justice in the matter of said assessments, and in enforcing the lien and collection thereof, to the end that said Flushing avenue within the limits aforesaid may be speedily opened, widened and improved within the limits aforesaid, as herein directed, and that a just and valid assessment may be levied and collected therefor so that the entire cost, charges and expenses of such widening and improvement may be defrayed out of and with the pro-

ceeds of such assessment, without any cost or expense to the city at large.

§ 8. Any assessment levied under the provisions of this act may be paid to the treasurer and receiver of taxes of Long Island City, without any fee or charge, at any time within three months after a certified copy thereof, accompanied by a certified copy of the order confirming the same, shall have been filed in said treasurer's office. All assessments levied hereunder, and not paid within said three months, shall draw and bear interest at and after the rate of ten per cent per annum, payable semi-annually on the first days of May and November in each year, provided, however, that when there shall be not more than six months unpaid interest on any assessment, such interest may be paid and discharged at the rate of seven per cent per annum; and that where there shall be more than six, and not more than twelve months unpaid interest thereon, such interest may be paid and discharged at the rate of eight per cent per annum; and that where there shall be more than twelve and not more than eighteen months unpaid interest thereon, such interest may be paid and discharged at the rate of nine per cent per annum. Any assessment may be paid in full at any time, and payments in sums of not less than one dollar may be made at any time on account thereof, or of the accrued interest thereon, but all payments on account shall be first applied to the discharge of the accrued interest, and the residue, if any, shall be credited on account of the principal. No warrant shall be required for the collection of any assessment under this act, or of the interest thereon, nor shall any warrant be required for the sale of any lands or other property for the non-payments of such assessments or interest, but all lots, pieces or parcels of land upon which there shall be three years' interest or more unpaid on the first day of May in any year, or upon which any such assessment or interest shall remain unpaid at the expiration of ten years, after such assessment shall have been confirmed and a certified copy thereof and of the order confirming the same shall have been filed in the office of the treasurer and receiver of taxes of Long Island City, shall be advertised and sold for the payment of such unpaid interest or assessment, or both, as the case may be, and such sale or sales shall be made by said treasurer and receiver of taxes, or by such other officer of said city, if any, as shall then be authorized and empowered by law to sell lands in said city for non-payment of city taxes; and such sale or sales, and all proceedings therefor and thereafter shall be the same, and on the same notice and like terms and subject to the same conditions, provisions and restrictions, and the several lots or parcels of land or property may be redeemed, and in default of such redemption, title thereto shall be perfected and given in the same manner, to the same extent, and with the same force and effect as is prescribed in and by chapter four hundred and twenty-two, of the laws of eighteen hundred and seventy-six, for the sale of lands in said city for non-payment of the State, county, city and ward taxes therein mentioned.

§ 9. All moneys received by said treasurer and receiver of taxes, in payment of such assessments or interest, shall be placed to the credit of a fund to be known as The Flushing Avenue Improvement Fund, and shall be kept separate and apart from all other moneys in his hands, and no part thereof shall ever be expended by him except in payment of the interest, or for the purchase or redemption of the principal of said Flushing Avenue Improvement Certificates. Whenever the treasurer of said city shall have five hundred dollars or more

Payment
of assess-
ments.

No war-
rant to
issue for
collection.

When
lands may
be sold.

Sales by
whom
made.

Proceed-
ings.

Moneys to
be kept
separate,
etc.

When treasurer to advertise for proposals for sale of certificates to him. in his hands, to the credit of said Flushing Avenue Improvement Fund, not required for the next semi-annual payment of interest on the outstanding improvement certificates issued hereunder, he shall give notice by advertisement for at least one week, in one or more newspapers published in Long Island City, that he will receive sealed proposals for the sale and surrender to him of such certificates. Such notice shall specify the amount in his hands applicable to the purchase of such certificates, and shall designate the time and place for receiving and publicly opening such proposals. Blank proposals shall be furnished by the treasurer, on the application of any party desiring to bid, and the sum so advertised shall be awarded to the highest bidder or bidders therefor; but not more than par and interest shall be paid for such certificates, and the treasurer shall in all cases have and receive * the right to reject any and all bids not deemed by him to be for the public interests. When all of said assessments shall have been paid with interest thereon, or upon the completion of the sales for the non-payment thereof, all the said improvement certificates shall be paid off, and if there be any excess to the credit of said Flushing Avenue Improvement Fund, it shall be covered into the city treasury in payment of city taxes upon the property assessed hereunder in proportion to the amounts assessed thereon respectively.

Blanks.

Award.

When all certificates to be paid.

Excess to be paid into treasury.

Entry of payment of assessment to be made.

Accounts to be kept by treasurer and receiver of taxes.

Liability of treasurer and tax receiver and his sureties.

Temporary bond.

Allowance for clerks in treasurer's office.

§ 10. Whenever the assessment on any lot shall be paid in full with interest, the treasurer shall enter on the assessment roll, opposite to, and on the same line with the entry or record of the assessment so paid, the words "Paid in full," with the date of such final payment, and from and after such payment and entry, such lot shall be free, clear and discharged of and from the lien of such assessment. Suitable accounts shall be kept by said treasurer and receiver of taxes in such manner and form as said improvement commissioners may prescribe or approve, in which shall be entered the amount assessed upon each lot separately, the interest thereon as the same accrues, together with the several payments of principal or interest, or both, thereon: Also, the several payments of interest and the final payment of the principal of each improvement certificate, which accounts shall be open to the inspection of all holders of certificates, and all owners of property assessed for such improvements.

§ 11. The treasurer and receiver of taxes of Long Island City and his sureties shall be liable on his official bond given to said city, after the passage of this act for the faithful discharge of the several duties hereby imposed upon him, and for all moneys which shall come into his hands under and pursuant to the provisions hereof. Prior to the giving of such security, a temporary bond may be required by said improvement commissioners in form and amount to be approved by them, conditioned that said treasurer will faithfully account for, apply and pay over all moneys which shall come into his hands under the provisions of this act, and that he will also faithfully discharge all the duties hereby devolved and imposed upon him. It shall be lawful for said Flushing Avenue Improvement Commissioners to make such provision or allowance for the additional clerical assistance required in the treasurer's office by reason of this act, as they shall determine to be reasonable and just, not exceeding, however, the sum of three hundred dollars per annum for two years.

§ 12. Said Flushing Avenue Improvement Commissioners may au-

* So in the original.

thorize the owner of any lot to grade his own front, under their supervision, and upon the completion of such grading to the satisfaction and approval of said commissioners, the person or persons doing the same shall be credited by such treasurer with such equitable proportion of the amount assessed upon the several lots in front of which such improvements shall be made as aforesaid as may be just, and as shall be agreed upon by and between said commissioners, and said owner, which amount together with a description of the lot or lots to be credited shall be certified to said treasurer by said commissioners or a majority of them, and by such owner; but no such credit shall be claimed for any work, unless the written consent of the commissioners to do the same was first had and obtained.

Owners of lots may be authorized to grade. To be credited therefor.

§ 13. All officers upon whom any duty is devolved by this act shall take the oath of office prescribed by article twelve of the constitution of this state.

Official oath.

§ 14. The grade of Flushing avenue within the limits aforesaid is hereby fixed, established and declared to be the same as is laid down and designated therefor on said map. Said avenue shall be widened and improved to the uniform width of sixty-five feet, as hereinbefore directed; but neither said map, nor any thing in this act contained, shall abrogate or impair the force or effect of the commissioner's map of Long Island City, with respect to said avenue and every part thereof as laid down thereon, or with respect to any street or avenue intersecting therewith.

Grade fixed, etc.

Commissioners' map not to be impaired, etc.

§ 15. This act shall take effect immediately.

CHAP. 411.

AN ACT to confer powers upon the common council of the city of New York, to restore Tompkins square as a public park.

PASSED June 12, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The common council of the city of New York is hereby authorized to direct the department of public parks of the city of New York to restore Tompkins square as a public park or square.

Common council may direct restoration.

§ 2. To provide the means for the work authorized by the first section of this act, the comptroller of the city of New York is hereby authorized and directed to create and issue after the said department of public parks has been so directed by the common council, and within twenty days after requisition is made on him to do so, by resolution of the commissioners of the department of public parks of the city of New York, or a majority of them, in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, a public fund or stock to an amount to be mentioned in said requisition, and not exceeding fifty thousand dollars, payable on the first day of November, one thousand eight hundred and seventy-nine, with interest, at a rate not to exceed six per cent per annum, and the proceeds of said fund or stock shall be applied to payment for the work authorized by this act.

Public fund or stock to be created and issued to provide means.

Hearing.
Commissioners to
review
awards.

Award.

Pay of
commissioners.

Guardians
for infants,
etc.

Assess-
ment of
damages.

Payment
of awards.

Deposit of
awards
due un-
known or
idiotic
owners.

Record by
village
clerk.

jury. At the time mentioned in the notice, and when the commissioners are appointed, any person may be heard in the matter. The said judge shall, on hearing the parties, appoint three disinterested electors as commissioners, residing in said county, but not in the village, to review the award of said jury, and determine and award the damages of the person or persons appealing. Immediate notice shall be given by some of the persons appealing to the persons designated as commissioners, and if any one declines or is disqualified, the judge shall appoint some disinterested person, an elector residing in said county, but not in the village, to fill the vacancy. Said commissioners shall meet at said village within ten days after being notified of their appointment. They shall give the president of the village five days' notice of the time and place of their meeting, shall be sworn to do their duty, shall have power to compel attendance of witnesses by subpoena, shall examine the premises and hear the proofs and allegations of the parties, and shall award such damages to the parties appealing as they shall deem just. The award of the commissioners shall be signed by them, and be returned to the president of the village within fifteen days after the first meeting of the commissioners, and shall be filed with the clerk. Said award shall be final and conclusive on all persons interested, and the board of trustees may thereupon take possession of the land and make the said alteration or improvement. On declaring the award, the commissioners shall each be paid, by the treasurer of the village, three dollars per day for their services, and the amount so paid shall be collected by suit, if not otherwise paid, with other proper expenditures made by and for the village in and about such appeal, on the bond referred to in this section, given by the person or persons appealing, in case the person or persons appealing are liable to pay the costs of the appeal under the provisions of this act. In all cases of appeal under this section, the judge to whom the appeal is made shall, by order, appoint guardians for any infant lunatic or idiot interested in said proceedings.

§ 5. Section fourteen of said title five of said act is hereby amended so as to read as follows :

§ 14. Whenever a final award is made for damages sustained by reason of making such alteration or improvement, the persons acting as assessors may, within twenty days thereafter, assess the amount of such damages upon the estates, real and personal, in said village, which assessment roll shall be signed by the president and filed with the clerk, and be collected in the same manner as the annual tax is collected, and the trustees shall, within one year from the time of such final award, pay or tender the amount of such damage to the person to whom the same shall have been awarded ; and in case such owner shall refuse the same or be unknown, or a non-resident of said village, idiot or lunatic, or the rights and interests of persons claiming the same shall be doubtful, it shall in such case be lawful for the board of trustees to pay the amount of such damages to the county treasurer of said county, for the benefit of such person or persons as may be entitled to the same, accompanied by a statement of the facts under which such payment was made. The board of trustees shall cause the clerk of said village to make an entry in the village records of the money deposited, stating amount, with the names of the parties by the awards declared to be entitled to the same. On the proper person or persons being ascertained, the president of the village is authorized to draw an order on said county treasurer, countersigned by the clerk,

and payable to the order of the person or persons entitled to such money, for the amount due such person or persons.

§ 6. Said title five of said act is hereby further amended by adding thereto the following section:

§ 16. The trustees shall have power to cause such of the streets, lanes, alleys, highways and public squares in said village, or any part or parts thereof, as shall have heretofore been laid out, but not recorded or sufficiently described, and such as shall have been used for twenty years but not recorded, to be ascertained, described and entered on record in a book to be kept by the clerk of said village. Trustees to cause streets, etc., to be recorded.

§ 7. Nothing herein contained shall affect the rights of any party to any suit or legal proceeding commenced prior to the passage of this act. Proviso.

§ 8. This act shall take effect immediately.

CHAP. 391.

AN ACT authorizing the city of Binghamton to use a portion of the Chenango canal for a public street.

PASSED June 4, 1878 ; by a two-third vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. On and after the first day of June, eighteen hundred and seventy-eight, the city of Binghamton is authorized to take possession of and use that portion of the old Chenango canal lying within the limits of the said city, and to lay out, record, fill in and grade the same as and for a public street, to be known as State street in said city. And for this purpose the said city shall have power to remove all encroachments upon said canal lands and to bring actions in its corporate name to recover possession thereof. City authorized to use portion of canal for street.
Removal of encroachments, etc.

§ 2. For the purposes aforesaid, the state releases to the said city of Binghamton that portion of said canal described in the foregoing section, on condition that the city release the state from all obligations to maintain the bridges and other structures on said canal within said city limits. Release.
Conditions.

§ 3. All stone, iron and other material used in the construction of that portion of said canal in said city limits shall remain the property of the state. Materials.

§ 4. Nothing in this act contained shall affect in any way the legal rights of individuals. Proviso.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed. Repeal.

§ 6. This act shall take effect immediately.

Effect of
payment.

first, eighteen hundred and seventy-eight, pay to the county treasurer of Queens county the taxes for which such lot, piece or parcel of land shall have been sold, together with interest thereon until the time of payment, at the rate of twelve per centum per annum, without any other or further interest, costs, fees or expense, and thereupon the said lot, piece or parcel of land shall be relieved and redeemed from the operation and effect of said sale, and the said treasurer of the county of Queens shall give receipt for such taxes and interest, and state in said receipt that the said lot, piece or parcel of land is so relieved and redeemed from the operation and effect of such sale.

Repeal.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed, so far as relates to the subject-matter of this act.

§ 3. This act shall take effect immediately.

CHAP. 415.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and the various acts amendatory thereof, or relating to the city of Rochester.

PASSED June 18, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Subdivision three of section twelve of an act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," passed April eighth, eighteen hundred and sixty-one, as heretofore amended, is hereby amended so as to read as follows:

Powers of
police
commis-
sioners
and clerk.

3. Such commissioners and the police clerk hereinafter authorized to be appointed severally shall have power to make arrests and serve criminal process within Monroe county, and to enforce the laws of the state relating to the police thereof, in the same cases and in like manner as constables are now authorized by virtue of their office. The said commissioners and clerk shall also each have power to issue subpoenas attested in the name of its president to compel the attendance of witnesses upon any proceedings authorized by this act and by said rules and regulations. Each commissioner of police and the clerk of the board of police is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board of police, or for the purposes of this act, and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations of this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense ; and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the commissioners shall then have the same power to compel attendance and punish disobedience as justices of the peace in like

cases. And said commissioners, collectively, shall constitute the board of police for said city, of which board the mayor shall be president, and shall have a casting vote, and any two of said commissioners shall form a quorum for the transaction of any business other than the appointment or dismissal of members of the police force, hereinafter otherwise directed ; and such board may adopt rules and by-laws for the government thereof, and also may establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the whole force, and cause a suitable number of copies thereof to be printed for the use of the department ; provided that such rules, regulations or orders shall not conflict with any of the provisions of this act, or with the constitution or laws of this state or the United States.

Board of police.

Quorum.

Rules, by-laws, etc.

§ 2. Subdivision five of section twelve of said act is hereby amended so as to read as follows :

5. For the purpose of providing a permanent and effective police force, it shall be the duty of said board of police, as often as vacancies may occur, to select from among the electors of said city, and unanimously appoint by warrant of appointment, bearing the signature of all three of said commissioners, and to be immediately filed with the city clerk, so many permanent policemen as they may deem necessary, provided that the members so holding appointment and in service shall not exceed fifty at any one time, except as hereinafter otherwise specified, and said board shall, in like manner, also appoint one chief of police, through whom such board may promulgate all rules, regulations and orders to the whole force, and who shall have the immediate direction and control of said force, subject, however, at all times to the rules, regulations and orders of said board and to the orders of any member thereof, provided that the orders of such single commissioner do not conflict with the rules, regulations or orders of said board then in effect; and such chief and each policeman appointed in the manner aforesaid may hold his respective office during the pleasure of said board of police, but it shall require a majority vote of such commissioners to remove such chief or any policeman after giving said chief or policeman a written copy of the charges preferred and opportunity to disprove the same; and in case said board, by reason of disagreement or otherwise, should at any time fail to appoint, in the manner above specified, such chief of police or necessary policeman, then a majority of such board may nominate and, with the approval of the common council by a concurring vote of at least two-thirds of the aldermen elected, may appoint such chief or policeman, and upon a warrant of appointment thereof duly filed, shall appear the approval of the common council properly certified by the clerk, and all such appointments shall have the same effect as if made by the unanimous action of the board in the manner hereinbefore provided.

Policemen, appointment and number

Chief of police.

Term of office.

Removal.

Provision for appointments in case of disagreement of board.

§ 3. Subdivision eight of section twelve of said act is hereby amended so as to read as follows :

8. The salary of said chief and policeman shall be determined by the board of police during the month of June in each year ; the said board of police, in determining the salaries, shall have reference to the amount of money raised by the common council for police purposes for the fiscal year. And the said board of police shall have power to change such salary at any time, with the approval of the common council. The police commissioners shall annually, and on the first day of May, report to the common council the amount of money

Salary of police, how determined, etc.

Report to common council.

necessary to pay the current expenses of the police department for the ensuing year.

§ 4. Subdivision nine of section twelve of said act is hereby amended so as to read as follows:

Warrant
of appoint-
ment.

Oath of
office.

Police-
men to
attend
courts.

Service of
criminal
process
issued by
district
attorney.

9. The said chief of police and police clerk, and every policeman duly appointed as aforesaid, shall have issued to him a warrant of appointment, signed by the president of the board and countersigned by the city clerk, and stating the date of his appointment, which shall be his commission, and he shall take the proper oath of office and subscribe the same in a book kept for that purpose, and he shall have the same power and authority and duties, and subject to the same regulations and liabilities as a constable elected in a town, except that said chief of police, police clerk and policemen shall not receive nor execute any process in any civil action except the same be issued for a violation of a penal ordinance of said city of Rochester. The said chief of police shall detail one policeman, to be selected by the district attorney of Monroe county, to attend upon each court of oyer and terminer and court of sessions, held in and for Monroe county, and such policemen shall be designated, notified and returned by the sheriff of Monroe county to attend said courts, in the same manner in which constables are now designated, notified and returned by him to attend such courts, and shall be paid in the manner constables are paid by law for such service, but such policeman during such detail shall be subject to the orders of the district attorney of Monroe county only. The said chief of police and policemen shall, upon request of the district attorney of Monroe county, serve any criminal process issued by him within the limits of the city of Rochester, and the fees allowed by law therefor shall be paid by the county of Monroe to the treasurer of the city of Rochester.

§ 5. Section thirty-nine of said act is hereby amended so as to read as follows:

Members
of com-
mon coun-
cil not to
hold cer-
tain off-
ices.
Not to be
interested
in con-
tracts.

Proviso.

§ 39. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly, as principal, surety or otherwise, interested in any contract or purchase made by or on behalf of the city of Rochester, or of which the expenses or consideration are to be paid under any ordinance or act of the common council, or executive board or board of education of said city. This section shall not be construed to prevent the mayor from receiving any salary which may be fixed by the common council.

§ 6. Section two hundred and forty-five of said act is hereby amended so as to read as follows:

Police
justice,
his juris-
diction.

Municipal
court, ju-
risdiction
of.

§ 245. The police justice of said city shall have jurisdiction in suits brought for a violation of any of the city ordinances or of the laws concerning the internal police of the state, and is hereby empowered to hold courts of special sessions for the trial of all offenses triable in a court of special sessions. The municipal court of said city shall also have jurisdiction of all suits brought for a violation of any of the city ordinances, except in relation to gaming and disorderly houses.

§ 7. Section two hundred and forty-six of said act is hereby amended so as to read as follows:

Certain
warrants
may be

§ 246. Upon any criminal warrant duly issued by the police justice, or any person legally acting in his stead, any officer authorized to

serve the same may execute such warrant in any part of this state without further endorsement or warrant. executed without indorsement.

§ 8. Section two hundred and forty-seven of said act is hereby amended so as to read as follows:

§ 247. A judge of the municipal court of the city of Rochester shall have all the jurisdiction, authority and power of the police justice of the city in any criminal matter arising in the county of Monroe, upon the production to said judge of the certificate of the police justice, of a police commissioner of said city, or the chief of police, of the absence of such police justice from the city or of his severe illness, disabling him from acting, which said certificate shall be in writing and shall be filed by said judge of the municipal court with the police clerk before the issuing of any process or proceeding in any manner in such case. Such certificate shall be entered by said police clerk at length upon the docket and record of proceedings kept by him, and made a part of the return to any writ of certiorari in such case, but it shall not be necessary to recite or mention the same in any warrant or process issued in such case to any officer. Such judge of the municipal court shall issue process and record proceedings as "judge of the municipal court," and shall continue to act in place of the police justice until the production to him of the certificate of the police justice, in writing, of his ability to act, which certificate shall be likewise filed with the police clerk and entered upon said docket, and thereupon matters then pending before said judge of the municipal court under this section shall proceed before such police justice de novo from the return of the warrant or the making of an arrest. The judge of the municipal court while acting under this section shall occupy the office of the police justice, and shall do no official act in such criminal case elsewhere. Any violation of this section shall be ground of removal of such judge of the municipal court from office. When judge of municipal court to have jurisdiction, etc., of police justice.

Process, how issued, etc.

Judge to occupy office of justice.

Removal.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 10. This act shall take effect immediately.

CHAP. 416.

AN ACT for the relief of Thomas E. Davis.

PASSED June 14, 1878; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The plaintiff, Thomas E. Davis, in the action now pending in the superior court of the city of New York against the mayor, aldermen and commonalty of the city of New York, for the recovery of rent for the use and occupation of certain rooms by the counsel to the corporation of said city, as the office of the law department thereof, may recover judgment therein, if the proof be otherwise sufficient, notwithstanding the absence of any resolution or ordinance of said mayor, aldermen and commonalty originally authorizing the taking or use of said premises. Recovery of judgment authorized.

§ 2. This act shall take effect immediately.

CHAP. 417.

AN ACT to provide for the laying out and improvement of the public squares and places established in Fourth avenue, in the city of New York, by chapter five hundred and twenty-eight of the laws of eighteen hundred and seventy-three.

PASSED June 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Tax for improvement of public squares.

SECTION 1. The board of estimate and apportionment of the city of New York are authorized to appropriate and raise by tax, in the year eighteen hundred and seventy-eight, twenty-five thousand dollars, to be expended by the department of parks in improving and regulating the several public squares or places laid out and established within the lines of Fourth avenue, in the city of New York, between Sixty-seventh and Ninety-sixth streets, in said city. But said squares or places shall be so laid out and established as not to change, alter or interfere with the Fourth avenue improvement, or with the plans and openings established and carried out by the board of engineers of the Fourth avenue improvement.

§ 2. This act shall take effect immediately.

CHAP. 418.

AN ACT to improve Steinway avenue, Long Island City.

PASSED June 14, 1878 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners.

Title.

Minutes to be kept.

Quorum.

Report to mayor.

Commissioners to open and widen avenue, etc., in accordance with certain map.

SECTION 1. William H. Williams, William C. Wilson, William H. Jackson, August Rassiga and William McBride are hereby appointed commissioners to open and improve Steinway avenue, from Jackson avenue to Bowery bay, in Long Island City; said commissioners and their successors shall be known as the Steinway avenue improvement commissioners. They shall act as a board of commissioners, and shall keep minutes of all their meetings and proceedings. A majority of them shall constitute a quorum, and the vote or concurrence of a majority shall be necessary for the execution of any contracts, or the transaction of any business. On or before the first Monday of February in each year, such commissioners shall make a written report to the mayor of Long Island City of their proceedings during the year ending with the thirty-first day of December previously.

§ 2. Said commissioners are hereby authorized, empowered and directed to open and widen Steinway avenue, from Jackson avenue to Bowery bay, as laid down on the commissioners' map of Long Island City; and to bring said avenue throughout its whole extent to the established grade therefor, and also to pave or macadamize, curb, gutter and flag the same, and whenever they shall deem it necessary,

to lay bridge stones across said avenue and all intersecting streets and avenues, and to construct any culverts, sluices or waterways on or across said avenue, which they deem necessary for the preservation of the improvements to be made under the provisions of this act. Upon the occurrence of any vacancy occasioned by the death, resignation, or other disability of any of said commissioners, or their successors, such vacancy may be filled by the remaining commissioners; and until so filled, any duties hereby imposed upon said commission may be discharged by the remaining commissioners.

Vacancies,
how filled.

§ 3. For the purpose of opening and widening said avenue, said commissioners and their counsel shall have and possess, respectively, the same functions, rights and powers, as are granted to the common council of said city, and to the attorney and counsel to the corporation, by chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one, entitled "An act to revise the charter of Long Island City," and the several acts amendatory thereof, except that none of the provisions of sections one and two of chapter two of title three of said act, shall apply to any proceeding authorized by this act. Application for the appointment of commissioners of estimate and assessment may be made to the county court of Queens county, at any term thereof, or to the supreme court at any special term thereof in the counties of Kings or Queens. Any applications to confirm any report of the commissioners of estimate and assessment, or any other motion with regard thereto, if made to the supreme court, may be made in either of said counties.

Powers
and duties
of commis-
sioners.

Applica-
tion for
commis-
sioners of
estimate,
etc., to
what
court
made.

§ 4. All grading, macadamizing, curbing, guttering, paving and flagging, and laying of cross-walks under this act shall be done, and all materials therefor shall be furnished by contract or contracts founded on sealed bids or proposals, made in compliance with public notice by advertisement, for at least ten days, in one or more newspapers published in Long Island City, and in one or more daily newspapers published in the city of New York, which notice shall specify the time and place for receiving and publicly opening such proposals; and such contract or contracts, when awarded, shall be given to the lowest responsible bidder giving adequate security satisfactory to said Steinway avenue improvement commissioners; but said commissioners may reject any bid not deemed by them to be for the public interests. Blank forms for proposals shall be furnished by the commissioners on the application of any party desiring to bid, on which shall be printed such rules and regulations as the commissioners may prescribe for the protection of the public interests in making and receiving proposals, and in awarding contracts thereunder. All contracts shall contain such terms, conditions, provisions and restrictions as shall seem desirable to the commissioners for the proper security of, safety and advantage of the property owners in regard to the work to be done or the materials to be furnished thereunder. Should any contractor fail to comply with the provisions of his contract, the commissioners shall have the right in their option to abrogate and annul the contract, and to advertise anew for carrying out the unfinished part thereof and to make a new contract or contracts therefor until all the improvements shall be finished; and said commissioners shall have full discretionary power in the interest of the property owners in the prosecution of the improvements, in their dealings with the contractors, and in enforcing their rights against contractors, to the end that said improvements may be completed in the most speedy, advantageous and economical manner.

Work, etc.,
to be done
by con-
tract.

Notice.

Award of
contracts.

Blank
forms for
proposals.

Terms,
condi-
tions, etc.

Commis-
sioners
may annul
contracts,
etc.

Discre-
tionary
power of
commis-
sioners.

Certificates of indebtedness.

§ 5. In order to pay for the several improvements (including the opening and widening) authorized by this act, together with the incidental expenses of making the same, said Steinway avenue improvement commissioners are hereby authorized to issue certificates of indebtedness, which shall be known as the "Steinway Avenue Improvement Certificates." Such certificates may be issued in direct payment of such improvements and expenses or they may be sold or negotiated by the commissioners to obtain money to pay therefor, or for any part thereof as said commissioners shall deem most advantageous. Such improvement certificates may also be sold by said commissioners to obtain money to pay interest on outstanding certificates, whenever they shall deem it necessary so to do; and all moneys realized by the sale of certificates shall be forthwith deposited with said treasurer and receiver of taxes. The commissioners shall determine the form and denominations of the certificates, except that they shall be payable to bearer; shall pass by delivery; shall bear interest at seven per cent per annum, payable semi-annually; shall be redeemable out of the Steinway avenue improvement fund, shall be receivable at all times at par and accrued interest in payment of any assessments hereby authorized, and of the accrued interest thereon, and also except that it shall appear upon them that they are issued under the provisions of this act. They shall be signed by the commissioners or a majority of them, and countersigned by the treasurer of Long Island City on the written requisition of the board. It shall be lawful, however, for the owner or holder of any certificate issued under this act, to render the same non-negotiable, except by the owners' or holders' endorsement, by endorsing thereupon and subscribing a statement that said certificate is the property of such owner, and thereupon the principal sum of money mentioned in said certificate shall only be payable to said owner or his legal representatives or assigns.

How certificates may be made non-negotiable.

Record of certificates to be kept.

Cancellation.

Entry to be made.

§ 6. Said board of commissioners and said treasurer shall keep an accurate record, showing the number of each certificate issued, its date, par value, when countersigned, date of issue and when interest thereon is payable. On receiving any certificate in payment of any assessment or interest, or by purchase as hereinafter provided, the treasurer shall permanently and effectually cancel and deface the same, and enter in separate columns on his record, opposite to and on the same line with the record of its issue, the date of its reception or purchase, the accrued interest thereon, the amount of principal and accrued interest; the rate and amount of discount, if any, at which such certificate was purchased; the amount paid and allowed therefor, and if received in payment of any assessment or interest, a brief description of the property covered by the assessment upon which such payment was made. Said treasurer and said commissioners shall interchange such statements or reports as will enable them to fill up and complete their respective records daily. Each of such records shall be open during ordinary business hours to the inspection of any holder of certificates, or any owner of property assessed for such improvements.

Interchange of reports. Record to be open to inspection.

Cost to be certified to commissioners of estimate, etc.

Commissioners of estimate, etc., to

§ 7. The cost or approximate cost of such improvements as estimated or ascertained by said Steinway avenue improvement commissioners, shall be certified by them to the said commissioners of estimate and assessment as soon as practicable after their appointment. Said commissioners of estimate and assessment shall thereupon proceed to open and widen said avenue, and to assess therefor, and for the cost of such improvements as so certified,

under and pursuant to the provisions of said chapter two of title three of chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one (irrespective of the first two sections thereof), and such proceedings shall thereafter be had for correcting and confirming said assessments as are therein provided with respect to assessments for like purposes levied under the provisions of said act exclusively, and said assessments shall be levied upon and shall be a lien upon the same property and to the same extent, and collection thereof may be enforced (except when otherwise provided in this act) as therein prescribed ; and the acts and certificates of the said Steinway avenue commissioners as affecting any assessments may be amended if any errors or irregularities be discovered therein, and their amended acts and certificates shall have the same force and effect as their original acts and certificates ; and it is declared to be the intention of this act that the fullest power of amendment shall be vested in said Steinway avenue improvement commissioners and in said commissioners of estimate and assessment, so as to promote substantial justice in the matter of said assessments and in enforcing the lien and collection thereof ; and all steps, acts and proceedings, necessary or desirable to facilitate the progress or secure the completion of the opening, widening, grading, paving, curbing, guttering, flagging, bridging, water ways, and all other work hereby authorized or directed of, upon, across, or in connection with said Steinway avenue, and all acts, steps, and proceedings necessary or desirable to facilitate laying assessments therefor, or to secure and enforce the lien and collection of such assessments may be done, performed and taken by said Steinway avenue improvement commissioners and their counsel, by the said commissioners of estimate and assessment, by any officers or authorities of Long Island City, and by the said county court of Queens county or the supreme court as the case may be, under and pursuant to the provisions of said chapter four hundred and sixty-one of the laws of eighteen hundred and seventy-one and the several acts amendatory thereof as modified for the purposes of this act by the provisions hereof, and full and appropriate powers are hereby conferred upon and vested in the several courts, officers, authorities and persons aforesaid for such purposes respectively to the end that said Steinway avenue may be speedily opened, widened and improved throughout its whole extent as herein directed, and that a just and valid assessment may be levied and collected therefor, so that the entire cost, charges and expenses of such opening, widening and improvement may be defrayed out of and with the proceeds of such assessment, without any cost or expense to the city at large.

proceed to
open and
widen
avenue.

Amend-
ment of
acts and
certifi-
cates.

Intention
of this act.

§ 8. Any assessment levied under the provisions of this act may be paid to the treasurer and receiver of taxes of Long Island City, without any fee or charge at any time within three months after a certified copy thereof accompanied by a certified copy of the order confirming the same shall have been filed in said treasurer's office. All assessments levied hereunder and not paid within said three months, shall draw and bear interest at and after the rate of ten per cent per annum, payable semi-annually, on the first days of January and July in each year ; provided, however, that where there shall be not more than six months unpaid interest on any assessment, such interest may be paid and discharged at the rate of seven per cent per annum, and that when there shall be more than six and not more than

Payment
of assess-
ments.

No war-
rant to
issue for
collection.

When
lands may
be sold.

Sales by
whom
made.

Proceed-
ings.

Moneys to
be kept
separate,
etc.

When
treasurer
to adver-
tise for
proposals
for sale of
certificates
to him.

Blanks.

Award.

twelve months unpaid interest thereon, such interest may be paid and discharged at the rate of eight per cent per annum, and that when there shall be more than twelve and not more than eighteen months unpaid interest thereon, such interest may be paid and discharged at the rate of nine per cent per annum. Any assessment may be paid in full at any time, and payments in sums of not less than one dollar may be made at any time on account thereof, or of the accrued interest thereon, but all payments on account shall be first applied to the discharge of the accrued interest, and the residue, if any, shall be credited on account of the principal. No warrant shall be required for the collection of any assessment under this act, or of the interest thereon, nor shall any warrant be required for the sale of any lands or other property for the non-payment of such assessments or interest, but all lots, pieces or parcels of land, upon which there shall be three years' interest or more unpaid on the first day of July in any year, or upon which any such assessments or interest shall remain unpaid at the expiration of ten years after such assessment shall have been confirmed and a certified copy thereof, and of the order confirming the same, shall have been filed in the office of the treasurer and receiver of taxes of Long Island City, shall, without any action or legislation on the part of the common council or any other body, be advertised and sold for the payment of such unpaid interest or assessment, or both, as the case may be, and such sale or sales shall be made by the treasurer and receiver of taxes of said city, or by such other officer, if any, as shall then be authorized and empowered by law to sell lands in said city for non-payment of city taxes; and such sale or sales, and all proceedings therefor and thereafter shall be the same, and on the same notice and like terms and subject to the same conditions, provisions and restrictions, and the several lots or parcels of land or property may be redeemed, and in default of such redemption, title thereto shall be perfected and given in the same manner, to the same extent and with the same force and effect as prescribed in and by chapter four hundred and twenty-two of the laws of eighteen hundred and seventy-six, for the sale of lands in said city for non-payment of the state, county, city and ward taxes therein mentioned.

§ 9. All moneys received by said treasurer in payment of such assessments or interest thereon shall be placed to the credit of a fund to be known as the "Steinway Avenue Improvement Fund," and shall be kept separate and apart from all other moneys in his hands; and no part thereof shall ever be expended by him, except in payment of the interest, or for the purchase or redemption of the principal of said Steinway avenue improvement certificates. Whenever the treasurer of said city shall have one thousand dollars or more in his hands, to the credit of said Steinway avenue improvement fund, not required for the next semi-annual interest payment on the outstanding improvement certificates, he shall give public notice by advertisement for at least one week, in one or more newspapers published in Long Island City, that he will receive sealed proposals for the sale and surrender to him of such certificates. Such notice shall specify the amount in his hands applicable to the purchase of such certificates, and shall designate the time and place for receiving and publicly opening such proposals. Blanks shall be furnished by the treasurer on the application of any party desiring to bid, and the sum so advertised shall be awarded to the highest bidder or bidders therefor; but not more than par and

accrued interest shall be paid for such certificates, and the treasurer shall in all cases have and reserve the right to reject any and all bids not deemed by him to be for the public interest. When all of said assessments shall have been paid with interest thereon, or upon the completion of the sales for the nonpayment thereof, all the said Steinway avenue improvement certificates shall be paid off, and if there be any excess to the credit of said Steinway avenue improvement fund, it shall be covered into the city treasury in payment of city taxes upon the property assessed hereunder in proportion to the amounts assessed thereon respectively.

When all certificates to be paid.

Excess to be paid into treasury.

§ 10. Whenever the assessment on any lot shall have been paid in full, with interest, the treasurer shall enter on the assessment roll opposite to and on the same line with the entry or record of the assessment so paid, the words "paid in full" with the date of such final payment, and from and after such payment, and entry, such lots shall be free, clear and discharged of and from the lien of such assessment. Suitable accounts shall be kept by said treasurer and receiver of taxes, in such manner and form as such improvement commissioners may prescribe, in which shall be entered the amount assessed upon each lot separately, the interest thereon as the same accrues, together with the several payments of interest or principal, or both thereon, also the several payments of interest on each improvement certificate, which accounts shall be open to the inspection of all holders of certificates, and all owners of property assessed for such improvements.

Entry of payment of assessment to be made.

Accounts to be kept by treasurer and receiver of taxes.

§ 11. The treasurer and receiver of taxes of Long Island City and his sureties shall be liable on his official bonds to said city, given after the passage of this act for the faithful discharge of the several duties hereby imposed upon him, and for all moneys which shall come into his hands under and pursuant to the provisions hereof. Prior to the giving of such bond, a temporary bond may be required by said improvement commissioners, in form and amount to be approved by them, conditioned that said treasurer will faithfully account for, apply and pay over all money which shall come into his hands under the provisions of this act, and that he will also faithfully discharge all the duties hereby devolved and imposed upon him. When such temporary security only shall have been given, further security may be required by said improvement commissioners when in their judgment such further or additional security may be necessary. It shall be lawful for said improvement commissioners to make such provision or allowance for the additional clerical assistance required in the treasurer's office by reason of this act, as they shall determine to be reasonable and just, not exceeding, however, the sum of four hundred dollars per annum for two years.

Liability of treasurer and tax receiver and his sureties.

Temporary bond

Allowance for clerks in treasurer's office.

§ 12. Said Steinway avenue improvement commissioners may authorize the owner of any lot to grade, pave, flag, or curb his own front under their supervision, and upon the completion of such grading, paving, flagging, and curbing, or either of them, to the satisfaction and approval of said commissioners, the person or persons doing the same shall be credited by such treasurer with such equitable and ratable proportion of the amount assessed upon the several lots in front of which such improvement shall be made as aforesaid, as may be just, and as shall be agreed upon by and between said commissioners and said owner, which amount together with a description of the lot or

Owners of lots may be authorized to grade, etc

To be credited therefor.

lots to be credited shall be certified to said treasurer by said commissioners or a majority of them and by such owner. But no such credit shall be claimed for any work unless the written consent of the commissioners to do the same was first had and obtained.

Oath of
office.

§ 13. All officers upon whom any duty is devolved by this act shall take the constitutional oath of office.

§ 14. This act shall take effect immediately.

CONCURRENT RESOLUTIONS
OF THE
SENATE AND ASSEMBLY.

*STATE OF NEW YORK, }
In Senate, *April 2, 1877.* }

WHEREAS, It has been reported by the proper officers, both to the Congress and to the Legislature, that a necessity has arisen for the determination of pier lines upon the Hudson river, and

WHEREAS, It is of the highest importance to maintain the integrity of the Hudson river as a navigable water, and to preserve it from encroachments along its shores, therefore

Resolved (if the Assembly concur), that the governor be requested to apply to the president of the United States, to appoint three competent officers of the United States service, to be associated with the secretary of state, the attorney-general and the state engineer and surveyor of this state, to examine and decide upon exterior pier and bulkhead lines upon the Hudson river, from the state dam, at Troy, to the city of Hudson, and report such lines with maps to the Legislature at its next session.

By Order,
HENRY A. GLIDDEN,
Clerk.

IN ASSEMBLY, *May 1, 1877.*

The foregoing resolution was duly passed.

By Order,
EDW'D M. JOHNSON,
Clerk.

CONCURRENT RESOLUTION

Relative to the redemption of the coin obligations of the government in gold or its full equivalent.

Resolved (if the Senate concur), That it is the sense of the Legislature of the state of New York, that the good faith of the Nation is pledged to the redemption of the coin obligations of the government

*Received too late for publication with the Session Laws of 1877.

CONCURRENT RESOLUTIONS.

in gold or its full equivalent ; that any violation of the public faith would be injurious to the public credit, and hurtful to the good name of our country ; that a new debasement of the currency would unsettle business, disorganize industry, injure labor, indefinitely postpone the resumption of specie payment, and thus defeat the early restoration of general prosperity ; and that, therefore : The enactment of what is known as the Bland silver bill by the Congress of the United States, or of any measure calculated to embarrass or prevent resumption within the time fixed by law, would be a grave public calamity.

STATE OF NEW YORK, }
In Assembly, January 10, 1878. }
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, Clerk.

STATE OF NEW YORK, }
In Senate, January 29, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, Clerk.

CONCURRENT RESOLUTION

Proposing an amendment to section six, article six of the Constitution.

WHEREAS, At the annual session of the Legislature for the year eighteen hundred and seventy-seven, the following amendment to the Constitution was proposed in the Senate and Assembly, namely :

Resolved (if the Assembly concur), that section six, of article six of the constitution be amended so that it shall read as follows :

§ 6. There shall be the existing Supreme Court with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law, and it shall be composed of the justices now in office, with one additional justice to be elected as hereinafter provided, who shall be continued during their respective terms and of their successors. The existing judicial districts of the state are continued until changed pursuant to this section. Five of the justices shall reside in the district in which is the city of New York, and five in the second judicial district, and four in each of the other districts. The Legislature may alter the districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the state. And whereas :

The said proposed amendment was agreed to by a majority of the members elected to each of the two houses of the said Legislature, entered on their journals with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the then next general election of Senators, and,

WHEREAS, Such election has taken place, and said proposed amendment was duly published for three months previous to the time of making such choice, in pursuance of the provisions of section one of article thirteen of the Constitution ; therefore,

Resolved (if the Assembly concur), That the two houses comprising the present Legislature, do agree to the said proposed amendment.

STATE OF NEW YORK, }
In Senate, January 22, 1878. }
The foregoing resolution was duly passed,
a majority of all the Senators elected voting in favor thereof.
By order,
JOHN W. VROOMAN, Clerk.

STATE OF NEW YORK, }
In Assembly, February 1, 1878. }
The foregoing resolution was duly passed,
a majority of all the members elected to the Assembly voting in favor thereof.
By order,
EDW'D M. JOHNSON, Clerk.

CONCURRENT RESOLUTION

In relation to Census Report of eighteen hundred and seventy-five.

Resolved (if the Senate concur), That the Secretary of State be hereby authorized to cause to be printed and to distribute to each member of the present Legislature, twenty copies, and to each officer and reporter of the Senate and Assembly, five copies “of the Census Report of eighteen hundred and seventy-five, and five hundred for general distribution by himself.”

STATE OF NEW YORK,
In Assembly, January 31, 1878. {
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, Clerk.

STATE OF NEW YORK. {
In Senate, May 3, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, Clerk.

CONCURRENT RESOLUTION

Relative to rates of tolls on the canals for the year eighteen hundred and seventy-eight.

Resolved (if the Senate concur), That the legislature do concur in the recommendation of the canal board of the date of January twenty-second, eighteen hundred and seventy-eight, and assent to the adoption of the toll sheet of eighteen hundred and seventy-seven, by said board, for the year eighteen hundred and seventy-eight, as expressed in the following resolution of the canal board.

Resolved, That the canal board recommend to the legislature to concur in the rates of toll upon the Erie, Oswego, Champlain and Cayuga and Seneca canals, as stated in the accompanying toll sheet, for the year eighteen hundred and seventy-eight.

RATES OF TOLL.—1877.

Established by the Canal Board on persons and property transported on the Erie, Champlain, Oswego, and the Cayuga and Seneca canals, to take effect on the eleventh of May.

Toll is to be computed upon the Weight ("1,000 pounds per mile") of all articles contained in the following list, unless otherwise stated, opposite to the articles excepted.

A.		cta.	m.	fr.
Acid, sulphuric.....		0	1	0
Agricultural implements, going from tide-water.....		0	1	0
Articles not enumerated, going toward tide-water		0	1	5
On the same, going from tide-water.....		0	1	0
Agricultural productions of the United States, not particularly specified.....		0	1	5
Apples.....		0	1	0
Ashes, pot and pearl.....		0	1	5
Ashes, leached.....		0	0	5
B.				
Barley.....		0	0	5
Barrels, empty, transported in boats.....		0	1	0
Barrels, empty, transported in rafts.....		0	5	0

CONCURRENT RESOLUTIONS.

	cts.	m.	fr.
Barytes.....	0	1	5
Beans.....	0	0	5
Bedstead stuff (see Lumber No. 3).....	0	0	7½
Bleaching powders, going from tide-water.....	0	0	5
Boat knees (see Lumber No. 3).....	0	0	7½
Bolts, stave, if carried in boats.....	0	0	5
Bolts, stave, if carried in rafts.....	0	5	0
Bones.....	0	0	5
Boxes, stuff for (see Lumber No. 3).....	0	0	7½
Bran.....	0	1	0
Brick of every description.....	0	0	5
Brimstone.....	0	1	0
Broom handles (see Lumber No. 3).....	0	0	7½
Brush backs (see Lumber No. 3).....	0	0	7½
Brush handles (see Lumber No. 3).....	0	0	7½
Butter.....	0	1	5
Butts, stave, if carried in boats.....	0	0	5
Butts, stave, if carried in rafts.....	0	5	0

C.

Cabinet ware.....	0	1	5
Carboys.....	0	1	5
Carts.....	0	1	5
Car axles.....	0	1	0
Car axles, when cleared at tide-water.....	0	0	5
Car wheels (iron).....	0	0	5
Carriages and sleighs.....	0	1	5
Casks, empty, transported in boats.....	0	1	0
Casks, empty, transported in rafts.....	0	5	0
Castings, all iron castings.....	0	1	0
Cedar posts (see Lumber No. 2) per 1,000 feet, per mile.....	0	1	5
Cedar, red (see Lumber No. 2) per 1,000 feet, per mile.....	0	1	5
Cement, fire proof.....	0	1	0
Chair stuff (see Lumber No. 3).....	0	0	7½
Charcoal.....	0	0	5
Cheese.....	0	1	0
Cider.....	0	1	0
Clay.....	0	0	5
Coal, anthracite.....	0	0	2½
Coal, bituminous.....	0	0	2½
Coal oil.....	0	0	5
Coal tar, and products thereof.....	0	0	5
Copper ore.....	0	0	5
Copper, pig and smelted.....	0	0	5
Corn.....	0	0	5
Crockery.....	0	0	5
Cullet, or broken glass to be melted over.....	0	0	5

E.

Earth.....	0	0	5
Esculent roots.....	0	1	0

F.

Fellies (see Lumber No. 3).....	0	0	7½
Fire-proof cement.....	0	1	0
Fire brick.....	0	0	5
Fish, salted, going from tide-water.....	0	0	5
Flax seed.....	0	1	5
Flour.....	0	0	5
Furniture, cabinet ware and chairs.....	0	1	5
Furniture for stoves, not cast iron.....	0	1	5

G.

Gas pipes.....	0	0	5
Glass ware.....	0	1	0
Grease.....	0	1	5
Gunstocks (see Lumber No. 3).....	0	0	7½
Gypsum, ground and unground.....	0	1	0
Gypsum, unground, product of this State.....	0	0	5

H.

Hand spikes (see Lumber No. 3).....	0	0	7½
Hay, pressed.....	0	0	5

	cts.	m.	fr.
Heading, undressed, transported in boats.....	0	0	5
Heading, dressed or partly dressed.....	0	0	5
Heading, transported in rafts.....	0	5	0
Hides.....	0	1	5
Hop poles (see Lumber No. 3).....	0	0	7½
Hop poles, transported in rafts.....	0	5	0
Hoop poles (see Lumber No. 3).....	0	0	7½
Hoop poles, transported in rafts.....	0	5	0
Hoops, rived.....	0	1	0
Horses.....	0	8	0
Horses, used exclusively for towing boats and other floats, exempt from toll.....	0	0	0
Horse shoes.....	0	0	5
Hubs (see Lumber No. 3).....	0	0	7½

I.

Ice.....	0	0	5
Iron, articles exclusively manufactured of wrought or rolled iron, not specifically enumerated, when cleared at tide-water.....	0	0	5
Iron in sheets, bars and bundles.....	0	1	0
Iron and steel, in bars and bundles, when cleared at tide-water.....	0	0	5
Iron ore.....	0	0	2½
Iron, bloom and pig.....	0	0	5
Iron, boiler, when cleared at tide-water.....	0	0	5
Iron, boiler.....	0	1	0
Iron, bridge and railing.....	0	1	0
On the same, when cleared at tide-water.....	0	0	5
Iron bolts.....	0	1	0
On the same, when cleared at tide-water.....	0	0	5
Iron safes.....	0	1	0

J.

Junk.....	0	1	0
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L.

Last blocks (see Lumber No. 3).....	0	0	7½
Lath (see Lumber No. 1).....	0	0	7½
Lath (see Lumber No. 2), per 1,000 feet, per mile, estimated at twenty feet for each bunch of one hundred pieces.....	0	1	5
Lath (see Lumber No. 3).....	0	0	7½
Lime, manufactured.....	0	1	0
Lime, water.....	0	1	0
Limestone.....	0	0	5
Looking-glass backs (see Lumber No. 3).....	0	0	7½
LUMBER No. 1.*—Transported in boats, by weight, per 1,000 pounds per mile:			
White pine, white-wood, bass-wood, cedar, boards, planks, scantling, and on all sidings, lath and other sawed stuff less than one inch thick (except such as is enumerated in Lumber No. 3).....	0	0	7½
Oak, hickory, beech, sycamore, black walnut, butternut, maple, ash, elm, fir, tamarack, yew and cherry.....	0	0	5
Hemlock and spruce.....	0	0	8½
LUMBER No. 2.*—Transported in boats, by measurement, per 1,000 feet, per mile:			
Boards, planks, scantling, railroad ties, pickets for fences, and sawed timber, siding, lath and other sawed stuff, less than one inch thick, reduced to inch measure (except such as is enumerated in Lumber No. 3), lath, when cleared by measurement, may be estimated at twenty feet for each bunch of one hundred pieces; and all kinds of red cedar, cedar posts, estimated that a cord, after deducting for openings, will contain 1,000 feet.....	0	1	5
Hemlock and spruce, per 1,000 feet, per mile, when not weighed....	0	1	0
Lumber No. 2, transported in rafts, per 1,000 feet, per mile.....	1	2	5
LUMBER No. 3.*—Transported in boats, by weight, per 1,000 pounds, per mile:			
Sawed lath of less than ten feet in length, split lath, hoop poles, hand spikes, rowing oars, broom handles, spokes, hubs, treenails, fellies, boat and ship knees, plane stocks, pickets for fences, railroad ties, last blocks, stuff (manufactured or partly manufactured) for boxes, chairs and bedsteads, hop poles, brush handles, brush backs, looking-glass backs, gun stocks, plow beams and plow handles.....	0	0	7½

CONCURRENT RESOLUTIONS.

cts. m. fr.

Sawed stuff for window blinds, not exceeding one-fourth of an inch in thickness	0	2	0
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* Lumber shall not be cleared by measurement when carried in a boat having other articles on board paying toll by *weight*, but such lumber shall in all cases be also cleared by weight.
When a cargo is composed entirely of lumber, which can be cleared by weight or measure, the whole of such cargo shall be cleared by measurement or by weight, as the shipper or master may elect, and in no case shall a portion of any such cargo be cleared by measurement and the other portion by weight.

M

Mahogany.....	0	1	0
Malt	0	0	5
Manure.....	0	0	5
Marl.....	0	0	5
Merchandise, non-enumerated.....	0	1	0
Molasses.....	0	0	5

N.

Nails.....	0	0	5
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O.

Oats	0	0	5
Oil cake.....	0	1	0
Oil meal.....	0	1	0
Onions.....	0	1	0

P.

Passengers over ten years of age, per mile.....	0	0	5
Petroleum or earth oil, crude and refined.....	0	0	5
Peas	0	0	5
Peat.....	0	0	5
Pickets for fences (see Lumber Nos. 2 and 3).			
Pig copper.....	0	1	0
Pig iron.....	0	0	5
Plane stocks (see Lumber No. 3).....	0	0	7½
Plaster, calcined, or plaster of Paris, going from tide-water.....	0	0	5
Plow beams (see Lumber No. 3).....	0	0	7½
Plow handles (see Lumber No. 3).....	0	0	7½
Posts, split and round, not exceeding eight feet in length, carried in boats, per M, per mile.....	1	5	0
Potatoes	0	1	0
Powder and gunpowder.....	0	4	0

R.

Rags.....	0	1	5
Railroad chairs.....	0	1	0
On the same, when cleared at tide-water.....	0	0	5
Railroad iron.....	0	0	5
Railroad ties (see Lumber Nos. 2 and 3).			
Rails for fences, not exceeding fourteen feet in length, carried in boats, per M, per mile.....	1	5	0
On the same, if carried in rafts, per M. per mile.....	8	0	0
Rice, going from tide-water.....	0	1	0
Roots, esculent.....	0	1	0
Rowing oars (see Lumber No. 3).....	0	0	7½
Rye.....	0	0	5

S.

Sal soda, going from tide-water.....	0	0	5
Salted fish, going from tide-water.....	0	0	5
Salt, foreign.....	0	2	5
Salt, manufactured in this State.....	0	0	5
Sand.....	0	0	5
Sawed stuff (see Lumber Nos. 2 and 3).			
Sawdust.....	0	0	5
Scrap iron.....	0	0	5
Shingles, in boats, per 1,000 pounds, per mile	0	1	0
Shingles, in boats, per M, per mile.....	0	0	5
Shingles, per M, per mile, in rafts.....	0	4	0
Ship knees.....	0	1	5
Ship knees, transported in rafts.....	0	5	0
Ship stuffs.....	0	1	0

	cta.	m.	fr.
Shooks, stave.....	0	0	5
Shrubbery and trees.....	0	8	0
Siding (see Lumber No. 1).....	0	0	7½
Siding (see Lumber No. 2), per 1,000 feet surface measure.....	0	1	5
Slate.....	0	0	5
Sleighs.....	0	1	5
Soda ash.....	0	0	5
Spikes.....	0	0	5
Split posts and round, not exceeding eight feet in length, carried in boats, per M, per mile.....	1	5	0
On the same, if carried in rafts, per M, per mile.....	8	0	0
Spokes (see Lumber No. 3).....	0	0	7½
Staves and heading, sawed, cut and dressed, or partly dressed, shooks and stave bolts and butts, not exceeding four feet and a half in length, transported in boats.....	0	0	5
On the same, if transported in rafts.....	0	5	0
Steel, in bars and bundles.....	0	1	0
On the same, when cleared at tide-water.....	0	0	5
Stone for the manufacture of lime.....	0	0	5
Stone, wrought.....	0	0	5
Stone, unwrought and partly wrought.....	0	0	5
Stoves.....	0	1	0
Straw, pressed, and any pressed vegetable substance used for the manu- facture of paper or paper pulp.....	0	0	5
Sugar.....	0	0	5

T.

Tan bark, per cord, per mile, carried in boats.....	0	5	0
Tan bark, per cord, per mile, carried in rafts.....	2	0	0
Tan bark, ground, per 1,000 pounds, per mile.....	0	2	5
Tar.....	0	1	0
Timber per 100 cubic feet, per mile, transported in boats:			
Squared and round, other than hemlock.....	0	5	0
Squared and round, hemlock.....	0	8	0
Squared and round, transported in rafts.....	1	0	0
Sawed timber (see Lumber No. 2) per 1,000 feet, per mile.....	0	1	5
Tin plate, going from tide-water.....	0	0	5
Tobacco, going from tide-water.....	0	1	0
Treenails (see Lumber No. 3).....	0	0	7½
Trees and shrubbery.....	0	8	0
Turnips.....	0	1	0
Turpentine.....	0	1	0

V.

Varnish.....	0	1	0
Vinegar.....	0	1	0

W.

Wagons.....	0	1	5
Water lime.....	0	1	0
Water pipes.....	0	0	5
Wheat.....	0	0	5
Window-blinds, sawed stuff for (see Lumber No. 3).....	0	2	0
Window-sashes.....	0	4	0
Wood for fuel, per cord, per mile.....	0	4	0
Wood for fuel, per cord, per mile, carried on rafts.....	2	0	0
Wood used in the manufacture of salt, per cord, per mile.....	0	5	0

FREE LIST.

Bacon,	Grass Seed,
Beef, salted,	Hemp,
Boats,	Hogs, alive,
Cattle, alive,	Hops,
Clover seed,	Lard,
Coffee,	Lard Oil,
Corn meal,	Lead, bar and pig,
Cotton,	Leather,
Domestic distilled spirits,	Pork, salted,
Domestic cottons,	Sheep, alive,
Domestic woolens,	Tallow,
Dried Fruit,	[furs, Tobacco, unmanufactured,
Furs, and skins of animals producing	Wool.

All up freight except foreign salt reduced fifty per cent below rate of eighteen hundred and seventy-six.

CONCURRENT RESOLUTIONS.

STATE OF NEW YORK,
CANAL DEPARTMENT, ALBANY *May 10th, 1877.* }

I CERTIFY the foregoing to be a Correct List of the Rates of Toll established by the CANAL BOARD, to take effect on the 11th May.

G. W. SCHUYLER,
Auditor.

Resolved (if the Senate concur), That the legislature consent to the placing of the articles of flour, leached ashes and petroleum, on the free list passing over the canals of this state.

Resolved (if the Senate concur), That the legislature do consent to the reduction of tolls on manufactured lime, not exceeding fifty per cent of the rates of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, as the canal board shall in its discretion think expedient, and as the exigencies of trade shall demand during the ensuing season of navigation.

STATE OF NEW YORK,
In Assembly, February 5, 1878. }
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, *Clerk.*

STATE OF NEW YORK,
In Senate, February 6, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, *Clerk.*

STATE OF NEW YORK:

In SENATE,
ALBANY, *February 14, 1878.* }

WHEREAS, A joint resolution of Congress, approved December 15th, 1877, provides for representation of the interests of American manufactures, and the productions of agriculture and the arts, in the International Industrial Exposition to be held in Paris in 1878, and invites the Governors and people of the several states to assist in the proper representation of the productions of American industry and of the natural resources of the country, and to take such further measures as may be necessary in order to secure to their respective states the advantages to be derived from this beneficent undertaking, and,

WHEREAS, It is further provided in said joint resolution of Congress, that if the authorities of any state or territory shall appoint a commissioner or commissioners to represent the interests of such state or territory, at said exhibition, said commissioner or commissioners so appointed shall have the same status in the commission as the honorary commissioners appointed by the president of the United States, and shall not be entitled to pay or compensation, Therefore,

Resolved (if the Assembly concur), that the Governor of this state shall appoint two commissioners to represent the interest of this state at said international exposition, one of whom shall be designated to report to the legislature of this state upon the progress of education, and the industrial and liberal arts; and the other commissioner upon the productions of agriculture and commerce, with a view to the diffusion among the people of this state of useful information and knowledge of such improvements and progress, as are illustrated and evinced by the exhibits of all nations which shall participate in said international exposition.

STATE OF NEW YORK,
In Senate, February 14, 1878. }
The foregoing resolution was duly passed.
JOHN W. VROOMAN, *Clerk.*

STATE OF NEW YORK,
In Assembly, February 15, 1878. }
The foregoing resolution was duly passed.
EDW'D M. JOHNSON, *Clerk.*

CONCURRENT RESOLUTION

Relative to furnishing military equipments to the Albany Academy.

Resolved (if the Assembly concur), That the Governor be and is hereby authorized and requested, in his discretion, to issue to the Albany Academy, upon the requisition of the principal of that Academy, approved by the president of the board of trustees thereof, light cadet muskets and equipments, in amount and kind as may be necessary for the purpose of military instruction, not exceeding one hundred and twenty-five; Provided, however, that no military property be issued under this resolution, unless security for the safe-keeping and return thereof be first given by the said Albany Academy; and provided further that in case of need by the state, at any time, of the property of the state, so issued, the same may be demanded and received by the Governor.

STATE OF NEW YORK, }
In Senate, March 11, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, *Clerk*.

STATE OF NEW YORK, }
In Assembly, May 9, 1878. }
The foregoing resolution was duly passed.
By order of the *Senate,
EDW'D M. JOHNSON, *Clerk*.

CONCURRENT RESOLUTION

Authorizing the Canal Board to regulate the tolls on the Black River Canal.

Resolved (if the Senate concur), That the Canal Board be and they are hereby authorized to establish such toll sheet on the Black River canal as the Canal Board shall deem proper, the same not to be less than the toll sheet for the Erie canal.

STATE OF NEW YORK, }
In Assembly, March 19, 1878. }
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, March 20, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, *Clerk*.

CONCURRENT RESOLUTION

Authorizing the Governor to issue camp equipage to the Utica Citizens' Corps in place of such equipage loaned by said corps to the state.

Resolved (if the Assembly concur), That the Governor be and is hereby authorized to issue to the Utica Citizens' Corps sufficient camp equipage to replace that which said corps loaned to the state, and which has never been returned to them.

STATE OF NEW YORK, }
In Senate, March 21, 1878. }
The foregoing resolution was duly passed.
By order,
JOHN W. VROOMAN, *Clerk*.

STATE OF NEW YORK, }
In Assembly, April 11, 1878. }
The foregoing resolution was duly passed.
By order,
EDW'D M. JOHNSON, *Clerk*.

* So in the original.

CONCURRENT RESOLUTIONS.

CONCURRENT RESOLUTION

Relative to the portrait of Chief Justice Ambrose Spencer.

Resolved (if the Senate concur), That the oil painting, a portrait of the late Chief Justice Ambrose Spencer, now in the court of appeals room, painted by A. W. Twitchell thirty years ago, the same having become damaged, may now be replaced by the artist Mr. A. W. Twitchell, without any expense to the state, with the one now upon exhibition in this city; provided that it shall be accepted by the judges of said court, in which case the portrait of said Chief Justice Spencer, now in said court of appeals room, may be returned to the artist.

STATE OF NEW YORK, }
In Assembly, March 22, 1878. {
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, *Clerk*.

STATE OF NEW YORK, }
In Senate, March 23, 1878. {
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, *Clerk*.

CONCURRENT RESOLUTION

Relative to the improvement of Spuyten Duyvil Creek.

WHEREAS, the commercial interests of the whole country, and especially of the city and state of New York, demand the early improvement of Harlem river and Spuyten Duyvil creek, from the North river to the East river, through the Harlem Kills, so as to afford a safe and convenient channel for vessels of all classes navigating the North river and bound for ports on the east river, Long Island Sound and in the eastern states, thus shortening the distance of the route between the North river and the waters of the Sound; and a large portion of the city of Brooklyn, lying on the East river, and between the North river and the eastern states by more than twenty miles around the Battery of the tedious, expensive and unsafe navigation of the crowded waters that skirt the city and thus avoiding the dangerous passage through Hell Gate.

AND WHEREAS, there is an act now pending in the Congress of the United States having for its object an appropriation towards the accomplishment of said purpose;

AND WHEREAS, a survey and estimate has already been made by the United States authorities, in which the cost of said work is shown and its importance fully set forth;

AND WHEREAS, the means for carrying on this work will be derived from the federal revenue to which this state contributes its customs, giving out of its commerce over twenty-one millions of dollars, or nearly three-fourths of the total customs revenue, and the sum of nineteen millions of dollars of internal revenue, making a total of over one hundred and ten millions so contributed by this state;

AND WHEREAS, by the estimates of the United States engineers, it appears that but one million four hundred thousand dollars will be required to make a navigable channel, and said sum is less than one and a half per cent, upon the revenues contributed in one year by the state of New York to the United States;

Now, therefore, be it, and it is hereby

Resolved (if the Assembly concur), That our senators and representatives in Congress be requested to use their influence to secure the passage of the act now pending providing an appropriation for the furtherance of the improvement of Harlem river and Spuyten Duyvil creek.

STATE OF NEW YORK, }
In Senate, April 2, 1878. }

The foregoing resolution was duly passed.
By order,
JOHN W. VROOMAN, Clerk.

STATE OF NEW YORK, }
In Assembly, April 5, 1878. }

The foregoing resolution was duly passed.
By order,
EDW'D M. JOHNSON, Clerk.

CONCURRENT RESOLUTION

Relative to printing report of State Engineer and Surveyor on Railroads.

Resolved (if the Senate concur), That there be printed and bound in cloth twenty-four hundred copies of the report of the state engineer and surveyor on railroads for the year ending September thirtieth, eighteen hundred seventy-seven, to be distributed by that officer according to law; also ten copies of said report for each senator and member of the present legislature; also one copy of said report to each officer and reporter of the present legislature; the whole expense thereof to be refunded to the treasury of the state by an equitable assessment by the comptroller upon the several railroad companies of this state, the price of printing the same to be agreed upon between the state engineer and surveyor, the comptroller and the legislative printer.

STATE OF NEW YORK, }
In Assembly, April 2, 1878. }

The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, Clerk.

STATE OF NEW YORK, }
In Senate, April 5, 1878. }

The foregoing resolution was duly passed.
By order of the Senate
JOHN W. VROOMAN, Clerk.

CONCURRENT RESOLUTION

Relative to the publication of certain historical records.

On motion of Mr. Graham:

WHEREAS, The "Centennial" of the adoption of the first constitution of the state of New York, and the inauguration of the state government thereunder, at Kingston, Ulster county, was appropriately recognized by the New York Historical society, and afterward duly celebrated at Kingston; and

WHEREAS, The "Centennial" of the battles of Fort Stanwix and Oriskany, and Bemis Heights, the laying of the corner stone of the monument at the old fort at Schoharie, to David Williams, one of the captors of Major Andre, as well as the battle of Saratoga, were all appropriately celebrated (on the grounds which have been made famous forever in our history) by military display, and the patriotic

CONCURRENT RESOLUTIONS.

addresses of distinguished orators and statesmen, and by the inspiring tributes of our poets ; therefore, be it

Resolved (if the Senate concur), That the secretary of state cause to be prepared and published, in appropriate manner and style, a full and correct record of the proceedings at all said "Centennial" celebrations, including therein the official action of the authorities by whom the same were conducted, a statement of the military exercises and the organizations taking part therein, all historical sketches read, and all addresses and poems prepared and delivered at the several Centennial celebrations, and that five thousand copies of the same be prepared and published as aforesaid, ten copies thereof to be furnished to each member and one copy to each officer and reporter of the present legislature, and one to each officer of the state government ; one thousand copies to be furnished to the state library for exchange and for distribution to other libraries in this state, and the remainder to be used by the secretary of state in supplying persons who made addresses at such celebrations, and the persons officially connected therewith, and to such other persons or institutions as he may deem proper. Also to accompany this work with views of the old and new capitol of the state, outside and inside, as far as practicable, with appropriate historical sketches connected therewith ; said work to be compiled and executed under the supervision of the secretary of state, and to be let by him to the lowest responsible bidder ; but the entire expense thereof shall not exceed the sum of six thousand dollars.

STATE OF NEW YORK, }
In Assembly, May 2, 1878. }
The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON,
Clerk.

STATE OF NEW YORK, }
In Senate, May 8, 1878. }
The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN,
Clerk.

CONCURRENT RESOLUTION

Authorizing the Governor to appoint a Commissioner to attend the Prison Congress to be held at Stockholm.

Resolved (if the Assembly concur), That for the purpose of suitably representing and promoting the interests of penal science and practice in this state, and for the improvement of prisons and reformatories, the Governor of this state is hereby authorized and requested to appoint and duly commission a suitable person to attend the Prison Congress at Stockholm, in the month of August next, said commissioner not to be entitled to pay or compensation.

STATE OF NEW YORK, }
In Senate, May 8, 1878. }
The foregoing resolution was duly passed.
By order,
JOHN W. VROOMAN, Clerk.

STATE OF NEW YORK, }
In Assembly, May 7, 1878. }
The foregoing resolution was duly passed.
By order,
EDW'D M. JOHNSON, Clerk.

CONCURRENT RESOLUTION

In relation to the Capitol of the state of New York.

On motion of Mr. Alvord :

Resolved (if the Senate concur), That from and after the first day of January, in the year eighteen hundred and seventy-nine, the new Capitol building, in the city of Albany, shall be and the same is hereby declared to be the Capitol of the State of New York.

STATE OF NEW YORK, }
In Assembly, May 14, 1878. }

The foregoing resolution was duly passed.
By order of the Assembly,
EDW'D M. JOHNSON, Clerk.

STATE OF NEW YORK, }
In Senate, May 14, 1878. }

The foregoing resolution was duly passed.
By order of the Senate,
JOHN W. VROOMAN, Clerk.

NAMES CHANGED

UNDER AND PURSUANT TO CHAPTER EIGHTY OF THE LAWS OF EIGHTEEN HUNDRED AND SIXTY, AMENDATORY OF CHAPTER FOUR HUNDRED AND SIXTY-FOUR, LAWS OF EIGHTEEN HUNDRED AND FORTY-SEVEN.

STATE OF NEW YORK, }
Warren County Clerk's Office. } ss.:

I, W. Scott Whitney, clerk of said county, do hereby certify that the following change of name was made by order of the county court of Warren county, viz. :

Minnie Stockton to Minnie Morgan, order dated Dec. 3, 1877. To take effect from and after January 5, 1878.

In testimony whereof I have hereunto set my hand and official seal, this 17th day of December, 1877.

[L. S.]

W. SCOTT WHITNEY,
County Clerk.

Indorsed : " Filed December 19, 1877."

EDGAR K. APGAR,
Dep. Secretary of State.

STATE OF NEW YORK, }
Greene County Clerk's Office. } ss.:
Catskill, Dec. 22 1877.

I, O. V. Sage, clerk of the county of Greene, in pursuance of the act entitled " An act to authorize persons to change their names," passed Dec. 14, 1847, and of the act amendatory thereof, passed March 17, 1860, do certify that the name of the following person was changed under and by virtue of said acts, during the year 1877, viz. :

William Henry Palmer to William Henry McCabe.

In testimony whereof I have hereunto set my hand and affixed seal of said county of Greene, this 22nd day of December, 1877,

[L. S.]

O. V. SAGE,
Clerk.

Indorsed : " Filed December 27, 1877."

EDGAR K. APGAR,
Dep. Secretary of State.

NAMES CHANGED.

STATE OF NEW YORK, } ss.:
County of Westchester.

Pursuant to the statute in such case made and provided, I, John M. Rowel, clerk of the county of Westchester, do hereby certify that the following changes of names were made by the courts of this county during the year 1877, viz.:

Virginia Eliza Darby to Virginia Eliza Everett.

To take effect on and after April 7, 1877.

In witness whereof, I have hereunto set my hand and official seal this thirty-first day of December, 1877.

[L. s.]

JOHN M. ROWEL,
Clerk.

Indorsed: "Filed January 2, 1878."

GEO. MOSS,
Deputy Secretary of State.

STATE OF NEW YORK, } ss.:
Cortland County Clerk's Office.

Pursuant to the statute in such case made and provided, I, William S. Maycumber, clerk of said county, do hereby certify that the following changes of names were made by the courts of this county during the year 1877, viz.:

"The First Society of the Methodist Episcopal Church in Cincinnati and Solon," to "The First Wesleyan Methodist Society of Taylor."

To take effect from and after March 15, 1877.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county this thirty-first day of Dec., 1877.

[L. s.]

W. S. MAYCUMBER,
Clerk.

Indorsed: "Filed January 3, 1878."

GEO. MOSS,
Deputy Secretary of State.

COURT OF COMMON PLEAS FOR THE CITY AND COUNTY OF NEW YORK:

Pursuant to chapter eighty, of the laws of 1860, amendatory of chapter four hundred and sixty-four of the laws of 1847, I, the undersigned, clerk of the court of common pleas for the city and county of New York, do report and certify that the names of the following persons have been changed by the said court during the year 1877, viz:

1. James W. Havens to James Haven.
2. Annie B. Havens to Annie B. Haven.
3. Aubry Guy Havens to Aubry Guy Haven.
4. Maud Havens to Maud Haven.

From and after February 15th, 1877.

5. Sarah R. Quinn to Sarah R. Guinn.
6. George H. Quinn to George H. Guinn.

7. Florence N. Quinn to Florence N. Guinn.
From and after March 10th, 1877.
8. Helen E. C. Ripley to Helen E. C. Chadwick.
From and after February 24th, 1877.
9. Bernard Francis Egbert Van Santon to Egbert Von Altenhain.
From and after March 16th, 1877.
10. William J. Cowley to William J. Cawley.
From and after June 30th, 1877.
11. Ruby D. Best to Helena L. Franklin.
From and after August 1, 1877.
12. Carl Paul Heinrich Lebrecht Burger to Henry P. Salisbury.
From and after September 29th, 1877.
13. Edmund Gee to Edmund Gee Smith.
From and after September 27th, 1877.
14. Siegfried Seligman to Alfred Selman.
From and after November 11th, 1877.
15. Carl Roeck to Carl Goerwitz.
16. Margaretha C. Roeck to Margaretha C. Goerwitz.
17. Eliza Roeck to Eliza Goerwitz.
18. Carl Roeck, Junior, to Carl Goerwitz, Junior.
19. Adolph Roeck to Adolph Goerwitz.
From and after December 1st, 1877.
20. Ezekiel Saloshinsky to Ezekiel J. Korn.
21. Bertha Saloshinsky to Bertha S. Korn.
22. Isidore Saloshinsky to Isidore S. Korn.
23. Max Saloshinsky to Max S. Korn.
24. Minnie Saloshinsky to Minnie S. Korn.
25. Harriet Saloshinsky to Harriet S. Korn.
From and after December 14, 1877.
26. Alfred Lazarus to Alfred Lascar.
From and after December 16, 1877.
27. David McWilliams to David Williams.
From and after January 12th, 1878.
28. Arthur Kretzler to Arthur Pierrepont Hilton.
From and after January 1st, 1878.

In attestation whereof, I have hereto subscribed my name, and affixed the seal of the said court of common pleas, this 31st day of December, in the year of our Lord one thousand eight hundred and seventy-seven, at the court-house, in the city of New York.

[L. S.]

NATH'L. JARVIS, JR.,
Clerk.

Indorsed : " Filed January 3, 1878."

GEO. MOSS,
Deputy Secretary of State.

STATEMENT relative to Business Corporations organized during the period beginning January 1, 1877, to and including December 31, 1877, made pursuant to section 9 of chapter 611, Laws of 1876.

Business Corporations — Continued.

* Reorganization pursuant to section 32. Certificate filed March 18, 1977.

ALLEN C. BEACH, *Secretary of State.*

ALBANY, *January 1. 1878.*

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